

Exhibit J

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT FOR THE 2 WESTERN DISTRICT OF MISSOURI 3 CENTRAL DIVISION</p> <p>4 SHONDEL CHURCH, et al.,) 5 Plaintiffs,) 6 vs.) Case No. 7) 17-04057-CV-C-NKL 8 STATE OF MISSOURI, et al.,) 9 Defendants.)</p> <p>10 11 VOLUME I</p> <p>12 13 VIDEO DEPOSITION OF JEFFREY MARTIN</p> <p>14 TAKEN ON BEHALF OF THE PLAINTIFFS</p> <p>15 December 5, 2017</p> <p>16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 UNITED STATES DISTRICT COURT FOR THE 2 WESTERN DISTRICT OF MISSOURI 3 CENTRAL DIVISION</p> <p>4 SHONDEL CHURCH, et al.,) 5 Plaintiffs,) 6 vs.) Case No. 7) 17-04057-CV-C-NKL 8 STATE OF MISSOURI, et al.,) 9 Defendants.)</p> <p>10 VIDEO DEPOSITION OF JEFFREY MARTIN, 11 produced, sworn and examined on December 5, 2017, at 12 the offices of the American Civil Liberties Union of 13 Missouri Foundation, 406 West 34th Street, Suite 420, 14 Kansas City, Missouri 64111, before Emily S. Hughes, a 15 Certified Court Reporter and Notary Public within and 16 for the State of Missouri, in a certain cause now 17 pending in the United States District Court, Western 18 District of Missouri, between SHONDEL CHURCH, et al., 19 Plaintiffs, vs. STATE OF MISSOURI, et al., Defendants; 20 on behalf of the Plaintiffs.</p> <p>21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 I N D E X</p> <p>2 WITNESS: PAGE</p> <p>3 JEFFREY MARTIN</p> <p>4 EXAMINATION BY MR. WILLIAMSON 6</p> <p>5 EXAMINATION BY MR. RAMSEY 96</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 NO. DESCRIPTION PAGE</p> <p>9 Exhibit 13 Interim Administrative Order 73</p> <p>10</p> <p>11 (Original exhibit attached to original transcript.)</p> <p>12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING FOR THE PLAINTIFFS:</p> <p>4 Mr. Jason D. Williamson 5 ACLU FOUNDATION 6 125 Broad Street 7 18th Floor 8 New York, New York 10004 9 212.607.3300 10 jwilliamson@aclu.org</p> <p>11 APPEARING FOR THE STATE OF MISSOURI 12 AND GOVERNOR GREITENS:</p> <p>13 Mr. Steven Alan Ramsey 14 STATE OF MISSOURI ATTORNEY GENERAL'S OFFICE 15 207 West High Street 16 P.O. Box 899 17 Jefferson City, Missouri 65102 18 573.751.3321 19 Steven.Ramsey@ago.mo.gov</p> <p>20 APPEARING FOR THE MSPD DEFENDANTS:</p> <p>21 Ms. Jacqueline Shipma 22 MISSOURI STATE PUBLIC DEFENDER'S OFFICE 23 1000 West Nifong 24 Building 7, Suite 100 25 Columbia, Missouri 65203 573.526.5212 jacqueline.shipma@mspd.mo.gov</p> <p>Videographer: Ryan Gray Court Reporter: Emily S. Hughes, RPR, CRR, MO CCR #1353</p> <p>Alaris Litigation Services 1608 Locust Street Kansas City, Missouri 64108 816.221.1160 1.800.280.3376</p>

1 (Pages 1 to 4)

<p style="text-align: right;">Page 5</p> <p>1 IT IS HEREBY STIPULATED AND AGREED by and between</p> <p>2 counsel for the Plaintiffs and counsel for the</p> <p>3 Defendants that this deposition may be taken in</p> <p>4 shorthand by Emily S. Hughes, RPR, CRR, MO CCR #1353,</p> <p>5 and Missouri Notary Public, and afterwards transcribed</p> <p>6 into typewriting; and the signature of the witness is</p> <p>7 expressly reserved.</p> <p>8 * * * * *</p> <p>9 (Deposition commenced at 2:49 p.m.)</p> <p>10 VIDEOGRAPHER: We are on the record.</p> <p>11 Today's date is December 5, 2017, and the time is</p> <p>12 2:49 p.m. This is the video recorded deposition of</p> <p>13 Jeffrey Martin in the matter of Shondel Church,</p> <p>14 et al., versus State of Missouri, et al., Case</p> <p>15 Number 17-04057-CV-C-NKL in the United States District</p> <p>16 Court for the Western District of Missouri, Central</p> <p>17 Division. This deposition is being held at the</p> <p>18 American Civil Liberties Union of Missouri Foundation.</p> <p>19 The reporter's name is Emily Hughes. My</p> <p>20 name is Ryan Gray. I'm the legal videographer. We</p> <p>21 were with Alaris Litigation Services.</p> <p>22 Would the attorneys present please</p> <p>23 introduce themselves?</p> <p>24 MR. WILLIAMSON: Jason Williamson from the</p> <p>25 ACLU for the plaintiffs.</p>	<p style="text-align: right;">Page 7</p> <p>1 of your abilities. Please remember that your</p> <p>2 testimony here is under oath, so it's just as if you</p> <p>3 were testifying in court. You understand that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And your attorney may object to one or more</p> <p>6 of my questions, but in limited circumstances, you are</p> <p>7 still required to answer the question; okay?</p> <p>8 A. Sure.</p> <p>9 Q. If you don't hear my question or you don't</p> <p>10 understand my question, just please let me know</p> <p>11 immediately so that I can repeat or rephrase the</p> <p>12 question.</p> <p>13 And a few things that I wanted to make sure</p> <p>14 we keep in mind for the benefit of our -- our court</p> <p>15 reporter: One is to make sure that you're speaking</p> <p>16 clearly and loudly enough for her to record. I have a</p> <p>17 feeling that won't be a problem.</p> <p>18 A. Not a problem.</p> <p>19 Q. Also, make sure that you answer all</p> <p>20 questions verbally as opposed to using any kind of</p> <p>21 body movements; okay?</p> <p>22 A. Sure.</p> <p>23 Q. And I'd like for us to -- to try to let one</p> <p>24 another finish before we -- we move on, so please, let</p> <p>25 me finish my question before you answer, even if you</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. RAMSEY: Steven Alan Ramsey for the</p> <p>2 State of Missouri and Governor Greitens.</p> <p>3 MS. SHIPMA: Jacqueline Shipma for the</p> <p>4 Missouri State Public Defender defendants.</p> <p>5 VIDEOGRAPHER: Would the court reporter</p> <p>6 please swear in the witness?</p> <p>7 JEFFREY MARTIN,</p> <p>8 of lawful age, produced, sworn and examined on behalf</p> <p>9 of the Plaintiffs, deposes and says:</p> <p>10 EXAMINATION</p> <p>11 BY MR. WILLIAMSON:</p> <p>12 Q. Good afternoon, Mr. Martin.</p> <p>13 A. Good afternoon.</p> <p>14 Q. My name is Jason Williamson. I am one of</p> <p>15 the attorneys for the plaintiffs in this case. Have</p> <p>16 you ever been deposed before?</p> <p>17 A. Maybe once or twice.</p> <p>18 Q. Do you remember when that was?</p> <p>19 A. Oh, no. It would have been during the</p> <p>20 course of working for the public defender's office.</p> <p>21 Q. So in the context of a criminal case?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Today, I'm going to ask you a number</p> <p>24 of questions relevant to the case. You are required</p> <p>25 to answer those questions truthfully and to the best</p>	<p style="text-align: right;">Page 8</p> <p>1 can anticipate the question that's coming. And I'm</p> <p>2 going to -- to do my best to -- to let you finish your</p> <p>3 answer before I ask another question; okay?</p> <p>4 A. Okay.</p> <p>5 Q. Did you prepare for the deposition today?</p> <p>6 A. I spoke with Ms. Shipma I think twice.</p> <p>7 First when she notified me that I was going to be</p> <p>8 included on the list, and then actually, I think</p> <p>9 yesterday, she touched base with me to see if I had</p> <p>10 any questions.</p> <p>11 Q. And did you talk with -- talk with anyone</p> <p>12 else in preparation for the deposition?</p> <p>13 A. In preparation, no. I mean, I let, like,</p> <p>14 my staff and, you know, my wife and a few other people</p> <p>15 know that I was going to be coming down here but --</p> <p>16 Q. Okay.</p> <p>17 A. -- not otherwise.</p> <p>18 Q. Did you review any documents in preparation</p> <p>19 for today?</p> <p>20 A. I don't know that I reviewed them. I</p> <p>21 didn't have -- I had a few documents that I had</p> <p>22 forwarded to Ms. Shipma, which I think were e-mails to</p> <p>23 me from the Court that I couldn't remember whether I</p> <p>24 had forwarded them to her, so I wanted to make sure</p> <p>25 that I had -- that I had done that. I may have re --</p>

2 (Pages 5 to 8)

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

Case 2:17-cv-04057-NKL Document 160-11 Filed 02/21/18 Page 3 of 52

1 in essence, resent them again, but -- but other than
2 that, there wasn't a bunch of documents that I
3 reviewed or anything like that.

4 **Q. And did you do anything else that you can**
5 **think of to prepare for today?**

6 A. No.

7 **Q. In all of your spare time?**

8 A. Correct. No.

9 **Q. Who is your current employer?**

10 A. Missouri State Public Defender.

11 **Q. And what is your title?**

12 A. I am the Area 17 district defender.

13 **Q. And how long have you served as district**
14 **defender?**

15 A. District defender -- I have been the
16 district defender there since '99, I believe,
17 something about like that.

18 **Q. And have you served the with MSPD in any**
19 **other capacity?**

20 A. I served at -- I mean, I was an assistant
21 public defender prior to becoming the district
22 defender. I've been with MSPD since 1996. I mean,
23 January will -- will be 22 years.

24 **Q. And what other positions did you hold**
25 **within the office prior to becoming district defender?**

1 A. I was an assistant public defender until I
2 became district defender.

3 **Q. And did you start as an APD 1?**

4 A. Yes. I -- well, yes. I'm trying to
5 remember. There used to be -- when I first started,
6 there was a designation, APD 1, and APD 1P, and I
7 don't remember which one was first.

8 **Q. Okay.**

9 A. But in essence, I started at what would be
10 the beginning position.

11 **Q. And from there, you -- you moved up the**
12 **ranks to APD 2, 3, and 4?**

13 A. I became -- I was an APD 3 at the time I
14 became a district defender, so I never actually became
15 an APD 4. I became district defender before that
16 occurred.

17 **Q. Were you an APD also in Area 17?**

18 A. Yes. That's the office I started in, and
19 I've always been there.

20 **Q. Okay. Got it. And did you have any -- did**
21 **you do any other legal work prior to coming to the**
22 **MSPD?**

23 A. I worked privately for about three years, I
24 would say. About three years before coming to MSPD.

25 **Q. And was that as a criminal defense**

1 **attorney?**

2 A. For the most part, yes.

3 **Q. Did you do other kinds of legal work?**

4 A. I did some. Most of it was, like,
5 municipal court, traffic work, criminal work, did some
6 bankruptcy work, but it was mostly limited to that.

7 **Q. So can you tell me which counties are**
8 **included in Area 17?**

9 A. Area 17 has primary coverage in two
10 circuits. Those two circuits are the 17th Circuit,
11 which is Cass County and Johnson County, Missouri, and
12 then the 27th Circuit, which is Henry County,
13 Bates County, and Saint Clair County. Our office also
14 covers conflict cases for counties that are -- for the
15 offices basically that are to the north and the south
16 of us, so for the Area 16, the Kansas City office; for
17 the Area 7 office, which is Liberty; and then for the
18 Area 28 office, which is Nevada. We, over the years,
19 have done conflict cases from those offices, so when
20 they have multiple codefendants or conflict witnesses
21 or situations like that, then we would end up getting
22 those conflict cases from those offices.

23 **Q. Now, is your office presently still**
24 **handling conflict cases?**

25 A. We still have conflict cases assigned in

1 our office. We are currently not receiving conflict
2 cases from the Kansas City office or the Liberty
3 office. As far as new conflicts arriving, we have had
4 a few come from the Nevada office, but for the most
5 part, those were getting contracted out as well. They
6 were contracting out the conflict cases here over the
7 last number of months.

8 **Q. And is it your understanding that the**
9 **public defender's office received additional funding**
10 **this -- this fiscal year to cover conflict cases?**

11 A. Yes.

12 **Q. But your testimony is that there are**
13 **still -- notwithstanding that additional funding,**
14 **there are still conflict cases that are being handled**
15 **by your office?**

16 A. We were -- we are generally not receiving
17 new conflict cases, but I still have conflict -- I
18 have two attorneys right now that are still -- part of
19 their caseload are conflict cases that they're doing
20 the -- one attorney, that is primarily what he does,
21 our cases from Jackson County and Clay County and
22 Platte County.

23 **Q. But those are all cases that were opened**
24 **prior to --**

25 A. Previous.

1 **Q. Do you expect that trend to continue?**

2 A. I would be hopeful, but no. Based on my
3 experience with budgets and the State for the last
4 22 years, my experience would be that while we had
5 that this year, and we're -- my office is certainly
6 grateful to have had that, I would fully expect that
7 when the next fiscal year rolls around, in all
8 likelihood, that will not be the case, and that I will
9 start getting conflict cases from Jackson County and
10 Clay County and Platte County and Nevada and that sort
11 of thing again.

12 **Q. Okay. How many attorneys do you have on**
13 **staff right now in your office?**

14 A. Okay. My overall -- my overall staff right
15 now is 12.

16 **Q. 12 attorneys?**

17 A. No. That's -- my overall staff is 12.
18 That includes the office support assistant, which is
19 the person up front that answers phones and opens
20 files and that sort of thing. I have two legal
21 assistants, one investigator, and then there's an
22 eight-attorney staff total. Now, I have been
23 designated another position, attorney position, which
24 I have been trying to fill for the last six months, so
25 I have a position that is open right now.

1 **Q. Okay. And that -- the eight attorneys**
2 **includes yourself?**

3 A. Oh, yes. That includes me.

4 **Q. Okay. And you said you have -- there's --**
5 **there's funding for an additional attorney?**

6 A. Yes. I would end up with a staff of
7 13 total.

8 **Q. Okay. How soon would you expect to be able**
9 **to fill that position?**

10 A. I have offered the position, I believe, at
11 least three times now that I can think of. The first
12 person did not pass the bar -- strike that.

13 I think four times, because then the next
14 three people have all declined the position, declined
15 the offer to work somewhere else, accept offers
16 somewhere else.

17 **Q. We'll talk in a bit about the -- the**
18 **Hinkebein decision. But were -- is it your**
19 **understanding that the -- the decisions to turn down**
20 **those offers had anything to do with those recent**
21 **events?**

22 A. As a matter of fact, I can tell you that
23 during my interview process, one of the last questions
24 that I ask people during the interview process is,
25 would you have any -- other than asking them if they

1 have questions for me --

2 **Q. Uh-huh.**

3 A. -- about various things, I ask them, "Do
4 you have any concerns about joining the public
5 defender's office? Is there anything that would, you
6 know, concern you, or what worries would you have?"

7 **Q. Uh-huh.**

8 A. Every single person that I've interviewed
9 almost to a T, at least one of the questions that
10 they've asked has been about the caseload and what
11 kind of caseload they would have, and you know, what
12 that -- what that looked like. And my impression of
13 that was not from a -- just an interest standpoint of,
14 you know, well, what does my caseload look like?
15 Like, what is my average day look?

16 **Q. Right.**

17 A. There were a number of them, many of them
18 that that question was a specific question that was
19 geared towards, like, how heavy is my caseload going
20 to be the day I start?

21 **Q. And what -- when were those four offers**
22 **made and what -- and in what time frame?**

23 A. I have been -- the position has been open,
24 I believe, since July, so it has been during that
25 context at that time frame. The person that obviously

1 didn't pass the bar I think found out in -- whenever
2 bar results come out. I want to say -- I forget
3 whether it's September or -- but it -- that person
4 found out about bar results. And I should correct one
5 thing. There was one person that we were in -- that I
6 was going to offer the position to that accepted an
7 offer with another office, with actually an MSPD
8 office.

9 **Q. Okay.**

10 A. But then the other people declined the
11 offers. Those offers then took place after -- after
12 making -- after the one person not passing the bar --

13 **Q. Uh-huh.**

14 A. -- then I simply, you know, started
15 checking references on what -- who would have been the
16 next person on my list --

17 **Q. Right.**

18 A. -- moved down from there. If we didn't
19 have applicants that I felt would meet the criteria
20 at -- which I have done, I basically reopened my
21 process and started rescreening applicants and am
22 still doing that now.

23 **Q. What kind of turnover rate do you have in**
24 **your office? And we can start with turnover rate**
25 **among the lawyers.**

Page 17

1 A. Yeah. Because it has -- it has varied.
 2 I'd say on average, I probably lose an attorney
 3 somewhere around -- I'd lose one probably once every,
 4 if I had to kind of average it out, like, nine -- nine
 5 months to a year, somewhere around in there, you know.
 6 And -- and that kind of accounts for there's sometimes
 7 where I'll have people, and maybe they'll -- I'll be
 8 fully staffed for a year and a half and, you know,
 9 that sort of thing or, you know, up to two years; and
 10 then all of a sudden, I'm down two attorneys. In an
 11 office like mine, when you start losing more than one
 12 attorney, that becomes a real problem.

13 **Q. Now, to the extent that you can recall**
 14 **this, of the other seven attorneys in your office,**
 15 **what is the range of experience that they have as**
 16 **attorneys, as criminal defense attorneys?**

17 A. Right now -- right now, I have a fairly
 18 experienced staff with the exception of one attorney,
 19 which is a -- a new hire. I've been able to hire a
 20 person, but I had a person leave, so still have the
 21 position that I was trying to originally fill is still
 22 open. That person is a -- is a brand new licensed
 23 attorney. He was just sworn in. Other than him, most
 24 of the attorneys in my office are fairly experienced
 25 attorneys. Some of them have been at -- with my

Page 19

1 other than figuring out, you know, how to get from
 2 point A to point B, for them, you know, it might not
 3 be that big of a deal to do. There are other kinds of
 4 logistics that they're familiar with that they know,
 5 you know, I'm going -- if I'm going to do this, I'm
 6 going to probably be deposing, you know, a certain
 7 number of people. Here's the kind of case I have. I
 8 might need an expert for that, so I need to kind of be
 9 planning, you know, what I'm going to do. Recognizing
 10 mental health issues in clients, some of those kinds
 11 of things. Experienced attorneys have a better grasp
 12 of -- of some of -- some of those things and being
 13 able to recognize it or know those things early on as
 14 opposed to later on.

15 **Q. Do you -- how long does it generally take**
 16 **for you to fill a position? And I know you've talked**
 17 **about trying to fill this --**

18 A. Uh-huh.

19 **Q. -- sort of new position, but when someone**
 20 **leaves, generally, how long is it between the time**
 21 **that person leaves and the time you're able to replace**
 22 **them?**

23 A. Oh, at best, usually the turnaround is
 24 about 90 days or so, at best. And it depends on how
 25 it gets fills. Because, for example, like, one of

Page 18

1 office -- let me think here. One of them has been
 2 in -- been with my office since she started and has
 3 been with me probably nine years or so, something like
 4 that. The other attorneys that I have have
 5 transferred -- many of them have transferred in from
 6 another office, so they weren't, like, a direct hire
 7 for me as a new attorney.

8 **Q. Okay.**

9 A. They transferred in from somewhere else,
 10 but many of them have -- have a pretty good -- I'm
 11 blessed to have a number of attorneys that have
 12 experience right now. I've had the converse of that.

13 **Q. Uh-huh. What would you say are the primary**
 14 **differences between having experienced attorneys on**
 15 **staff versus young lawyers?**

16 A. Well, having an experienced attorney on
 17 staff, the benefit of having an experienced attorney
 18 is that if somebody's gone, if someone's sick, if they
 19 have to cover a docket, if they have to do something
 20 that's out of the ordinary, it -- it's a lot easier
 21 for them to do it, to walk into an unfamiliar
 22 jurisdiction. Since our office covers so many
 23 counties, there would be places that people might have
 24 to go that they haven't ever been there before as
 25 opposed to working in one courthouse generally. So

Page 20

1 those experienced attorneys, if they're transferring
 2 from somewhere, if that attorney is transferring from
 3 an office that they, themselves, might -- obviously,
 4 they're going to be losing someone, if it's a smaller
 5 office, they might have to really go through a hiring
 6 process before that attorney can leave, because
 7 otherwise, it might leave them in a real hole. So I
 8 may operate -- because I have more attorneys than they
 9 do, I might operate with that hole for a while at my
 10 end until they can try to get their situation taken
 11 care of. Other times, it's had to do with just the
 12 time of year and -- and various other kinds of things.
 13 For example, in this round of stuff, I've had nobody
 14 apply transfer-wise throughout the entire course of
 15 this. All of this has been people that would be
 16 new-hire scenarios.

17 **Q. How -- how do you think that this -- that**
 18 **the -- the turnover rate and the difficulty in**
 19 **replacing attorneys who leave impacts your office's**
 20 **ability to provide the kind of representation that you**
 21 **think is necessary for your clients?**

22 A. Well, it creates a number of problems, not
 23 the least of which is, people basically are just
 24 filling in. They're covering something in some way.
 25 And so from a client standpoint, they were talking

5 (Pages 17 to 20)

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

Case 2:17-cv-04057-NKL Document 160-11 Filed 02/21/18 Page 6 of 52

1 with person A; they're now talking with person B. For
2 some clients, that -- you know, they may be okay with
3 that, and it doesn't bother them. For other clients,
4 it's a -- it -- you have to spend time developing
5 trust with a client in order to be able to talk to
6 them about certain aspects of cases, what the outcomes
7 might be, those kinds of things. So from that
8 standpoint, it creates logistic problems that way.

9 For us, the other logistic problem that it
10 creates is, we've got a number of counties we go to,
11 and I only have so many people that can do stuff. And
12 court, based on what days you have court and how many
13 people you have, people can't be in two places at
14 once. They also can't -- it inhibits their ability to
15 go the jail and visit clients. It inhibits their
16 ability to do other things that would help them be
17 able to investigate or move a case forward because
18 they're filling those days with other court dates.
19 You know, even if it's just to reset something or to
20 try to get somebody out of jail or whatever it might
21 be, you've taken a day that would have been -- or days
22 that would have been constructive workdays and turned
23 those into another court day. And so you know, while
24 people can go to court and can cover court, that might
25 be all they're doing.

1 **Q. Can you talk to me a little bit about your**
2 **day-to-day responsibilities as district defender?**

3 A. Well, I have -- generally, I have two
4 functions. I am the -- as a supervisor of the office,
5 I have all of the managerial duties, so I'm
6 supervising attorneys, supervising other staff,
7 dealing with families and other individuals outside
8 the office that might be calling in or contacting the
9 office, people with general questions that can't be
10 answered by support staff that need to be answered by
11 somebody else. Generally, I would be the person that
12 a number of those things get directed to. Dealing
13 with Courts and jails and other kinds of
14 responsibilities that -- that you have, from a
15 management standpoint.

16 **Q. Uh-huh.**

17 A. I then also, because of our office and
18 staffing, I have my own caseload, and so I have a
19 caseload responsibility like everybody else in my
20 office. And while I've had to reassign that in
21 various ways at various times, that also requires me
22 to go to jails, to be able to go to court, to be able
23 to, you know, deal with my own clients. To be able to
24 work on their cases as well along with the other
25 aspects of the office.

1 **Q. How does your caseload compare to the**
2 **caseload of the other attorneys?**

3 A. I've tried at times to do various things
4 with -- with my caseload, in -- in either limiting it,
5 rearranging it. I've tried things to adjust it in
6 various ways, but as a practical matter, my caseload
7 is very comparable to other people in the office.
8 There's no -- there's no good way not to be able --
9 there's no good way not to be able to do that. It's
10 just an impossibility.

11 **Q. And I assume you mean there's no good way**
12 **to do that with the current number of attorneys --**

13 A. Correct, right.

14 **Q. -- you have on staff?**

15 A. Right. Everything -- yeah. Everything is
16 in the context of what I -- with what I have right
17 now, there's no way for me to -- me to be able to
18 functionally do that. I -- it would dump enough cases
19 on other attorneys that they wouldn't -- it -- they
20 have too many as it is.

21 **Q. Do you have a sense of how many cases you**
22 **have right now?**

23 A. How many I, personally, have?

24 **Q. Individually, yeah.**

25 A. If I opened up my laptop and logged on, I

1 could tell you exactly, but the exact number, I
2 wouldn't be able to tell you. I would venture to say
3 at any given time right now, I've floated anywhere
4 between 120 and 150 cases.

5 **Q. You, personally?**

6 A. Me personally.

7 **Q. And is -- is that range the same for the**
8 **other seven attorneys?**

9 A. It is, with the exception of the -- there's
10 two exceptions in that, and -- and I'll explain some
11 with mine as well.

12 My caseload, I have tried to limit to what
13 would be -- what would be lower class felony cases,
14 and they're primarily in the county that our office is
15 in, is in Cass County, so that way, I'm able to better
16 control being able to go to the jail, being able to go
17 to court, and being able to come back to the office,
18 rather than, in essence, being in court or going to
19 the jail, basically removing me from the office for a
20 day or multiple days.

21 The youngest -- and I say "youngest." The
22 less -- the least experienced attorney, the newest one
23 that I have, youngest from the standpoint of when he
24 started.

25 **Q. Right.**

Page 25

1 A. He's actually the youngest too. He -- his
2 caseload, it primarily consists of -- there's a
3 large number of cases that are misdemeanor,
4 probation violation, he does have lower level C, D,
5 and E felonies, but -- and he doesn't have any upper
6 class felony cases as of yet.

7 **Q. So when you say that you try to limit your**
8 **caseload to lower level felonies, in Cass County,**
9 **those are C, D felonies?**

10 A. Yes.

11 **Q. And E felonies?**

12 A. C, D, and E. Yeah. There's a new
13 classification this year now, E felonies, which I
14 still am trying to get ingrained in bread -- in my
15 head. For so long, it was C and D felonies.

16 **Q. Right.**

17 A. And I did -- and you had answered -- and to
18 go back to the question before --

19 **Q. Uh-huh.**

20 A. -- the other attorney from a numbers
21 standpoint that has a lower number is the attorney
22 that does the conflict cases up here in Jackson County
23 and in Clay County, Platte. Part of the reason is
24 because the logistics of the travel with all of those
25 cases, and many of those cases are also very serious

Page 27

1 that -- that kept numbers down more, the logistics of
2 the jail and the logistics of my travel constantly had
3 me out of the office where I was not able to
4 effectively deal with other things I needed to deal
5 with like family members who might call in or things
6 like that. The logistics of that had me out of the
7 office -- might have me out of the office for a couple
8 of days as a practical matter, and you weren't able to
9 deal with other things that you needed to be able to
10 deal with. Which it also includes just super --
11 supervision of the office and being there for the
12 staff and answering questions and implementing policy
13 and things like that, so that's why I -- I had to
14 change that to where it put me in the office, and that
15 was the only way that -- at that time to be able to do
16 it.

17 **Q. And there's no one else in your office who**
18 **is able to do the kind of supervision that -- that**
19 **you're responsible for -- for doing?**

20 A. Right.

21 **Q. That's not something you can hand to**
22 **someone else?**

23 A. No.

24 **Q. Do you all -- do you second chair any**
25 **cases, trials?**

Page 26

1 homicides, multiple count robbery cases, things like
2 that that require him to have different logistics as
3 far as travel and jails and that sort of thing, so his
4 numbers have been solely ris -- restricted in relation
5 to that just because, as a practical matter, he can't
6 do -- he wouldn't be able to do other stuff.

7 **Q. Okay. Is it your testimony that all of**
8 **your cases -- your personal cases are lower level**
9 **felonies, or do you also have some misdemeanors?**

10 A. I have -- well, and I also have probation
11 violations in that -- in that context as well. I'm
12 trying to think if I actually have misdemeanor cases.
13 In Cass County, it's a separate misdemeanor docket, so
14 if I have a misdemeanor case on there in my caseload,
15 it would be a random misdemeanor case simply because
16 that person has other cases going on, and I just have
17 that case assigned to me. But on the whole, it's not
18 a misdemeanor caseload that I have assigned myself.

19 **Q. And any particular rationale for that?**

20 A. The rationale for that at the time was I --
21 I didn't have another attorney to be able to assign to
22 do that, and it -- prior to that, I had myself
23 assigned the smallest county caseload, which was also
24 the county furthest away from the office, and -- which
25 was Saint Clair County. And while in numbers --

Page 28

1 A. Yes.

2 **Q. How often do you do that?**

3 A. I try to as much as I can, especially with
4 the last -- one of the attorneys -- well, actually,
5 the last two attorneys that left my office were both
6 attorneys that I had hired in the last three years,
7 and one of them had almost no experience, and the
8 other one had a slight bit of private experience, but
9 basically had very little experience as well. I tried
10 to put myself in the position of certainly for people
11 who have first trials or for certain types of cases
12 making myself have available to be able to second
13 chair those individuals, because part of my
14 responsibility as a supervisor and to recommend them
15 in relation to a promotion process is to be able to
16 have observed them demonstrating trial skills. We're
17 a trial office. People, you know, are expected to be
18 able to demonstrate those -- those skills to some
19 degree, and the only way for me to effectively
20 evaluate those is for me to at least be able to
21 observe that, so second chairing was a great way to be
22 able to do -- to do that, because you're involved with
23 all aspects.

24 **Q. How often do you interact with your**
25 **attorneys on a one-on-one basis for supervision**

7 (Pages 25 to 28)

<p style="text-align: right;">Page 29</p> <p>1 purposes?</p> <p>2 A. Well, I'm not sure exactly how to answer</p> <p>3 that. I mean, I interact with them on a daily basis,</p> <p>4 the attorneys that -- for example, that are there in</p> <p>5 the office, or if I'm over in -- in court, and they're</p> <p>6 over in court, I interact with them. I am I think --</p> <p>7 I actively try to talk to my attorneys and, you know,</p> <p>8 find out what's going on with them, what are -- you</p> <p>9 know, what are their issues, what kind of case</p> <p>10 problems do they have going on. You know, that being</p> <p>11 said, there are routinely times where, you know, you</p> <p>12 might not see somebody for, you know, a week, just</p> <p>13 because of the way schedules --</p> <p>14 Q. Right.</p> <p>15 A. -- are. You know, you just don't see them.</p> <p>16 Q. Now, are the attorneys in your office</p> <p>17 subject to performance evaluations?</p> <p>18 A. Yes.</p> <p>19 Q. How often are those done?</p> <p>20 A. The reality of when those are done</p> <p>21 initially are when they're required. And when I say,</p> <p>22 "required," when someone starts initially with the</p> <p>23 public defender's office, there's a time frame that</p> <p>24 they're going through where you're doing an initial</p> <p>25 evaluation of their work product and how they're</p>	<p style="text-align: right;">Page 31</p> <p>1 areas. Off the top of my head, I don't remember what</p> <p>2 they are, but there's probably, oh, I don't know,</p> <p>3 eight or nine or ten of them, something like that,</p> <p>4 that describe given -- given areas. Like I said,</p> <p>5 trial skills, for example, is one -- one of those</p> <p>6 areas, but others will include things as far as, you</p> <p>7 know, client -- dealing more with things like client</p> <p>8 contact and client rapport building, providing</p> <p>9 discovery to clients, those kinds of things. Part --</p> <p>10 some of it may involve just your review of their</p> <p>11 interactions with staff and other members of MSPD and</p> <p>12 the Courts in general and how to -- you know, how they</p> <p>13 follow policy, those kinds of things.</p> <p>14 We do have a -- MSPD has a guidelines for</p> <p>15 representation, and the trial division has, you know,</p> <p>16 guidelines that describe what those things would be</p> <p>17 that would constitute those areas that you're</p> <p>18 evaluating, so it would give expectations of certain</p> <p>19 things that you might do. For example, in pretrial</p> <p>20 status with your client's case, meeting with your</p> <p>21 client, discussing any pretrial motion, perhaps</p> <p>22 pursuing bond issues those -- those kinds of things.</p> <p>23 All of those things are listed there. You might not</p> <p>24 do every single thing on a given case or with a given</p> <p>25 client, but it gives you examples of what those things</p>
<p style="text-align: right;">Page 30</p> <p>1 doing, and they're with the court and with staff and</p> <p>2 following policies and things like that. Through the</p> <p>3 first couple levels of -- of being a -- an assistant</p> <p>4 public defender, there's some time frames on that,</p> <p>5 especially with the first promotion process.</p> <p>6 After that, the time frames become more --</p> <p>7 or at least they had been more suggested, but not --</p> <p>8 not like a bright line. In other words, it wasn't a</p> <p>9 specific time frame. And I can tell you over the --</p> <p>10 over the years, when there wasn't a specific time</p> <p>11 frame of something, it's very easy to go along and do</p> <p>12 stuff, and wake up one day, and you're three years</p> <p>13 down the road and, you know, trying to figure out if</p> <p>14 somebody needs to be evaluated for something.</p> <p>15 That's -- that's really easy.</p> <p>16 Q. And -- and are -- I assume you're the one</p> <p>17 who's conducting these evaluations?</p> <p>18 A. Yes, yeah. I'm the only person that does</p> <p>19 that --</p> <p>20 Q. Right.</p> <p>21 A. -- in my office.</p> <p>22 Q. And on what criteria are your lawyers</p> <p>23 evaluated?</p> <p>24 A. We have an actual -- there's an evaluation</p> <p>25 form that goes -- that has a breakdown of different</p>	<p style="text-align: right;">Page 32</p> <p>1 would be.</p> <p>2 In my evaluation process, I have to be able</p> <p>3 to evaluate as best I can how the attorneys perform</p> <p>4 under those given areas and how they -- you know, how</p> <p>5 are they -- how they are doing. Some people are</p> <p>6 better people people -- or they're better with people.</p> <p>7 You know, some people are much more -- you know, might</p> <p>8 be more research and litigation oriented type folks,</p> <p>9 but might have more difficulty interacting with, you</p> <p>10 know, clients, especially certain clients. They might</p> <p>11 have, you know, just difficulty sometimes, you know,</p> <p>12 being able to develop rapport, so it's evaluating</p> <p>13 those kinds of things.</p> <p>14 Q. And when you're doing these evaluations, to</p> <p>15 what extent do you consider your attorneys'</p> <p>16 workloads, respective workloads in trying to figure</p> <p>17 out, you know, how to assess their performance?</p> <p>18 A. Well, you have to try to take it into</p> <p>19 account. I mean, the reality is, if I'm looking at</p> <p>20 someone's caseload, and the expectation on someone's</p> <p>21 caseload is that they're supposed to have contact with</p> <p>22 clients -- you know, try to have contact with clients</p> <p>23 every 30 days or 31 days, and, you know, specifically,</p> <p>24 if we have people that are in jail, being able to go</p> <p>25 and see those people, you know, obviously, if they see</p>

8 (Pages 29 to 32)

Page 33

1 them at day 42 or day 45, or, you know, day 51, well,
 2 that's outside of that guideline. But if I also know
 3 that that attorney basically has, you know, a caseload
 4 of 150 cases or 217 cases -- which I have two
 5 attorneys that have over 200 cases right now -- as a
 6 practical matter, I'm not going to penalize that
 7 attorney. I don't think it's fair for me to penalize
 8 that attorney for some of the things that are beyond
 9 their control. They -- they can't -- they can't
 10 control how many cases show up in Bates County. The
 11 prosecutor controls how many cases show up in
 12 Bates County.

13 **Q. How many lawyers do you think you need in**
 14 **your office to -- in order to represent your clients**
 15 **adequate -- in order to represent every client**
 16 **adequately, how many lawyers do you -- do you need?**

17 A. Well, I could easily -- right now, I have
 18 eight. In theory, I'll have nine when I get somebody
 19 hired. I could easily add -- I could easily add four
 20 or five attorneys to that, and they'd be -- they'd be
 21 plenty busy. I mean, I -- I have an attorney right
 22 now who is in Henry County who has -- who has had the
 23 highest caseload in the office, and there's been no
 24 way for me to change that. Period. Because it's a
 25 lone county. She currently has a homicide case right

Page 34

1 now, along with those over 200 cases, that involves
 2 the shooting death of an officer in Clinton.

3 **Q. Uh-huh.**

4 A. Needless to say, could be -- it might end
 5 up being a capital case. We don't know that because
 6 the prosecutor won't say anything about anything about
 7 what he's going to do with it; although, he added
 8 another count to the case the other day. So she still
 9 has representation in that case. In other words, it
 10 hasn't gone to our capital unit or something like
 11 that. Now, we try to get help from them and get
 12 assistance in some way, but for all practical
 13 purposes, she has that case. We have a capital unit
 14 that deals solely with those cases.

15 **Q. Uh-huh.**

16 A. That attorney is currently having to deal
 17 with that case along with the other 200 and whatever
 18 cases that she has.

19 **Q. And why is that as far as you know? I**
 20 **mean, why wasn't the case sent to the capital unit?**

21 A. Because it's not filed as a capital case.

22 **Q. I see.**

23 A. It's a -- it's -- it's just -- right now,
 24 it's just a murder 1.

25 **Q. Okay.**

Page 35

1 A. And we handle every -- we handle everything
 2 from, you know, misdemeanor -- you know, misdemeanors,
 3 probation violations, up through homicides, which
 4 include murder 1s, unless it gets filed as -- unless
 5 they file aggravators to make it a death case.

6 **Q. You also said you have one investigator on**
 7 **staff; correct?**

8 A. Correct.

9 **Q. Is that enough for the eight attorneys that**
 10 **you have on -- on staff?**

11 A. I would say no. I would say that my
 12 attorneys wouldn't have a clue as to whether it's
 13 enough.

14 **Q. Why do you say that?**

15 A. Because I think that they -- I think
 16 because of some of the caseload, they have a hard time
 17 figuring how to actually be able to assign stuff to do
 18 for an investigator to really go and do what
 19 investigators do.

20 **Q. How many cases would you say your**
 21 **investigator is actively working on right now?**

22 A. I don't know. I mean, I -- I mean, I -- I
 23 truly don't know. The -- the reason I say that is,
 24 cases -- the way our process works is we have --
 25 there's a functionality within our case management

Page 36

1 system called action items. Action items are a way
 2 for an attorney to assign a specific type of thing.
 3 It could be very, very specific, or it could be a more
 4 generalized type of thing, to someone else in the
 5 office; generally, that -- an investigator or a legal
 6 assistant, perhaps. And that could be everything from
 7 getting somebody's letter of incarceration from a
 8 couple of different jails because we're trying to
 9 establish what jail time they might have, you know,
 10 been in jail in working out a deal in a case. But it
 11 could also be as general as being able to give an
 12 action item to the investigator that says, I want you
 13 to review the discovery in this case. Go to talk to
 14 the client at the jail. He's got a list of witnesses
 15 already he wants you to be able to talk to. Go figure
 16 out, you know, who those people are, and then let me
 17 know what that is. That's a pretty big item. And you
 18 know, like every office, you know, some attorneys are
 19 able to make better use of -- some attorneys are
 20 better delegators than others.

21 **Q. Are you involved at all in the process of**
 22 **determining which cases get that investigator and**
 23 **which --**

24 A. No.

25 **Q. -- don't?**

9 (Pages 33 to 36)

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

Case 2:17-cv-04057-NKL Document 160-11 Filed 02/21/18 Page 10 of 52

1 A. No. I don't -- I encourage my attorneys
2 to -- whatever you think you need, you ask for it, and
3 then we'll figure out if we can't do it. And/or if my
4 investigator has, you know, multiple different
5 requests coming at the same time, then she will come
6 into my office and say, hey, I -- you know, I've got,
7 you know, these four requests. How do you want me to,
8 you know, organize -- how do you want me to organize
9 this? Because like everything else, sometimes -- you
10 know, sometimes you're able to get to the things.
11 This is part of -- part of the built-in problem. Part
12 of built-in problem is you're not able to effectively
13 go and meet and deal with clients such that you are
14 able to get ahead of investigations. So what happens
15 is, you end up a month out, three weeks out, and then
16 suddenly, you're trying to get -- from a trial, and
17 suddenly, you're trying to get various kinds of
18 investigation done, and maybe you need to get this
19 person served, or we need to go find, you know,
20 whoever it might be that we're trying to find. And
21 then suddenly, you have three attorneys making the
22 same kind of requests all in that time period. That's
23 what creates, you know, that kind of problem. And
24 frankly, there's times where I have my legal
25 assistants able to help with serving subpoenas on

1 people and other kinds of stuff, because, you know,
2 frankly, my investigator needs go do other stuff. And
3 my investigator also oftentimes will help people in
4 trial with taking notes and, you know, being able to
5 assist trial-wise, so there's time incorporated with
6 that as well.

7 **Q. What do you -- what do you -- in your**
8 **opinion, what is the ideal ratio of attorneys to**
9 **investigators, or what would it be in your office?**

10 A. It would be nice to have an investigator --
11 frankly, have an investigator working with every two
12 to three attorneys, so if you break that out, that
13 would be -- I mean, in my office, about, at least
14 three investigators, so having a couple more
15 investigators.

16 One of the issues that we -- that we've
17 had, and I -- and I say, "we've had." For years, I've
18 had -- and I love having a -- the attorneys. I'll
19 take every attorney I can get. But everywhere that we
20 deal with, the court system, the prosecutor's office,
21 their support staff is an inverse flip. So when I go
22 to court or when I deal with someone's office, they
23 have three or four support staff for every attorney
24 that's in that -- in that office. Ours is almost just
25 the opposite. And so you have multiple attorneys

1 trying to occupy -- you know, carve out some niche of
2 time with given -- you know, with given support staff.
3 And that's assuming that those people aren't, you
4 know, on some sort of leave, that, you know, people --
5 that people go on or that people leave or that people
6 are sick or that people that have babies or the people
7 that do other kinds of things that, you know, they're
8 gone for a period of time.

9 **Q. Right. How do you -- assuming it's you --**
10 **go about assigning cases to individual attorneys?**

11 A. Cases in my office are primarily assigned
12 two ways. They're assigned first by county. I have
13 three attorneys that they're the only attorney in that
14 county. And then I have the one attorney that all he
15 did was conflicts for a long period of time. He's
16 doing some cases in -- in Cass County as we whittle
17 that down. But the other two large counties I have,
18 Johnson County and Cass County, those two counties
19 each have at least -- Johnson County has two attorneys
20 in it. Cass County has three attorneys operating in
21 it, which includes me. And those, we divide the cases
22 more up by, in essence, case number. And when I say,
23 "case number," it's a way to sort of divide out the
24 cases such that it -- it, for the most part, fairly,
25 you know, evens out. Every now and then, you'll have

1 an attorney that'll -- you know, one attorney will
2 have more cases than another attorney, and, you know,
3 vice versa, but the way they assign the cases and
4 stuff there, it's a way to be able to kind of divide
5 that out.

6 Right now, in Johnson County, the attorney
7 that's the younger attorney has the lower level felony
8 cases over there and misdemeanor cases. The senior
9 attorney I have over there has all the upper level A,
10 B felony cases in Johnson County. The -- that same
11 younger attorney has the misdemeanor only case -- he
12 has a misdemeanor docket in Cass County that he does.

13 **Q. Okay.**

14 A. And then myself and another attorney have
15 divided up the felony -- the felony caseload with the
16 exception of that attorney doing A, B felony cases,
17 which I'm not doing in Cass County, because that --
18 it -- from a standpoint of trying to make some
19 tradeoff in relation to numbers versus seriousness of
20 cases and that sort of thing, that's the way I've been
21 able to -- to do that.

22 **Q. Okay. Now, in addition to all of these**
23 **other responsibilities, do you also do any kind of --**
24 **do you have to do any kind of administrative work?**

25 A. Oh, yeah. I mean -- I mean, part of

1 administrative work is, like I said, review process,
 2 because all of those things are form oriented,
 3 electric -- you know, elect -- whether they're
 4 electronic, they used to be just more handwritten
 5 forms, but -- but there's still a form process,
 6 administrative process to that.

7 But I also have the other administration of
 8 the office reviewing basically the invoicing that
 9 comes in. And when I say "reviewing" it, my office
 10 support assistant gathers all that stuff, she opens
 11 all the things, she documents all those. But I then
 12 have to review those because I'm the one that signs
 13 off on all those. I also review everybody's time
 14 sheets and everybody's expense reports and have to
 15 approve those. And time sheets are time sensitive.
 16 You have to approve them within a given time frame
 17 because it's through whatever the State processing is.
 18 It's called Sam something. I don't know. But -- but
 19 in any event, it's their computer system has to -- has
 20 to swing through and process it in a given time, so I
 21 have to have everybody's time sheets to me for me to
 22 be able to approve those within a given time frame.
 23 And that's twice -- twice a month that I have to do
 24 that.

25 **Q. Do you think your office is in need of more**

1 **administrative staff?**
 2 A. Yeah. Support staff, absolutely. I
 3 mean -- well, let me back up, when you say
 4 "administrative staff," meaning, like, support staff.

5 **Q. Right. Meaning, I think you mentioned you**
 6 **have two legal assistants, and then one --**
 7 A. The office support is --
 8 **Q. -- office support assistant; right?**
 9 A. Correct. The office support assistant --
 10 and I keep trying to remember that name. That
 11 designation came in this last year. It used to be
 12 what was designated as a clerk typist or a clerk. And
 13 generally, I always described it, it was the person up
 14 front that basically ran the front end of the office.

15 **Q. Right.**
 16 A. That answered the phones, when people came
 17 in, and did other kinds of administrative stuff,
 18 getting the mail, opening stuff up, processing
 19 billing.

20 The legal assistants work more specifically
 21 with the attorneys and go to jails, do intake on
 22 clients, and then, like, some of the other things that
 23 I was talking about as far as, you know, it's
 24 sometimes interviewing family members, sometimes
 25 helping set up treatment programs for people, those

1 kinds of things.

2 Do I need more of those people? Yeah. I
 3 could -- I could use a whole handful of those -- of
 4 those folks, because those people make -- when I don't
 5 have those people, then I have attorneys doing all of
 6 that. And I consider that an -- while it's important
 7 for clients and it's valuable for clients, I consider
 8 it an incredible waste of attorney time when they're
 9 trying to get, you know, things done for treatment
 10 programs to get somebody into a treatment program.

11 **Q. How much time would you say a typical**
 12 **attorney in your office has to spend on administrative**
 13 **tasks, ballpark?**
 14 A. Wow. The best answer I can give you is it
 15 depends on the county that they're working in and how
 16 much legal assistant help they have, and here's why
 17 I'll give you that answer.

18 **Q. Okay.**
 19 A. Because in our case management system, you,
 20 for example, can enter court dates, like, upcoming
 21 court dates and things like that; okay?

22 **Q. Right.**
 23 A. If you're operating in a scenario where you
 24 have a legal assistant sitting there with you, like,
 25 sitting there in court, they can enter those court

1 dates right then, and that's done; okay? If you're
 2 operating in an out county, and you don't have a legal
 3 assistant to do that, then you're bringing your
 4 caseload back, and sometimes you're doing that, and so
 5 that dramatically increases that time frame.

6 It also increases the time that you spend
 7 doing some of those other things I was talking about
 8 as far as trying to get people into treatment
 9 programs, trying to do other kinds of stuff. If I
 10 have an administrative -- if I have a legal assistant
 11 sitting in court, and a client appears in court, and
 12 we can tell by talking with the judge, the judge would
 13 let that client out of jail if we can get that client
 14 into an inpatient legal program, I can turn to the
 15 legal assistant who's there, and say, "Let's talk with
 16 him before he gets out of the room. Let's get some
 17 things signed. Let's get some stuff done, and we see
 18 about trying to get him into a program." And they
 19 can -- and maybe they can talk with family or whoever
 20 else might be there that can help facilitate that.

21 If someone is in an out county, and they
 22 don't have that legal assistant there, they're having
 23 to get ready to go up on the very next case that's
 24 going to get called, because they're the only attorney
 25 that's there handling cases, primarily. And so once

Page 45

1 they get done with client A, client B's case is
 2 getting ready to get called. Their follow-up with
 3 that is going to have to all take place after the
 4 fact, which means they have to either do it
 5 themselves, or they're going to have to coordinate
 6 with a legal assistant in the office to basically say,
 7 "Hey, I've got this guy. I need to have this done.
 8 Can you help me, you know, get this?"
 9 So, you know, from a time frame standpoint,
 10 I don't know that I can really give you a good answer,
 11 but that gives you a description of the -- of the
 12 differences.

13 **Q. Understood. You mentioned that you right**
 14 **now have somewhere between 150 and 200 -- or 120 and**
 15 **150 cases. How many cases do you think you handle**
 16 **personally over the course of a year?**

17 A. Oh, I easily end up assigned -- I would
 18 easily end up assigned probably over 300 cases over --
 19 over a year time frame.

20 **Q. How --**

21 A. Again, I could -- again, I could -- I -- I
 22 could look at my database, and I could tell you the
 23 exact number, because I've -- I've got a screenshot
 24 that will -- that will tell me over the last 365 days,
 25 exactly how many cases I've assigned to me or anyone

Page 46

1 else. But that gives you -- my office, itself, opens
 2 anywhere from 2100 to 2600 cases a year. That's, you
 3 know, going within that time frame, sometimes down
 4 around, you know, 2100, you know, upper, you know,
 5 2,075 or, you know, somewhere like that --

6 **Q. Uh-huh.**

7 A. -- up to 2600 cases in any given year. We
 8 obviously conflict other cases out to other offices,
 9 so that wouldn't -- you know, while we open that case,
 10 that's not a case that we end up assigning in our
 11 office, so that would come off of that number some.
 12 But generally, we've had conflict cases assigned to
 13 us, so that -- that's just --

14 **Q. Uh-huh.**

15 A. That's moving -- it's moving chairs
 16 around the -- around the table, you know, in the grand
 17 scheme of things. So that number, that's probably,
 18 you know, a -- 2400 would be a safe number on any
 19 given year between eight attorneys.

20 **Q. And -- and that's -- that number is typical**
 21 **for over the last, what would you say --**

22 A. 20 years.

23 **Q. 20 years. Okay.**

24 A. I mean, like I said, I've -- you know, I
 25 could -- I can go back, and I can look at -- look at

Page 47

1 our stuff, and I could tell you, you know, that one
 2 year we had 2,100 cases, and another year, we'll have
 3 2700 case. But 2400 is prob -- 2300 is a probably a
 4 pretty good average --

5 **Q. Got it.**

6 A. -- over the last couple decades.

7 **Q. Okay. You mentioned contact with clients?**

8 A. Yes.

9 **Q. How often are your -- you and your**
 10 **attorneys supposed to meet with clients, as far as you**
 11 **understand?**

12 A. Supposed to meet with the client within
 13 seven days of initially opening the case. Once --
 14 once they've -- you know, when someone has been
 15 approved for representation, when we open that case
 16 up, they're supposed to get met within seven days of
 17 that. On an ongoing basis, supposed to be every 30 --
 18 basically, every 30 days.

19 Obviously, there's some -- you know, I
 20 would consider some exceptions to that. We have
 21 clients that are in mental health facilities. We have
 22 clients that are out on bond that generally, all
 23 you're doing is kind of waiting to see, for example,
 24 in a probation case, is the client basically going to
 25 keep doing what they're supposed to be doing so the

Page 48

1 case may get set out, you know, a couple, three
 2 months? And the idea is they're just supposed to keep
 3 things kind of on line, and then they might get
 4 continued on probation. So that one, you might not be
 5 as -- you know, looking at it and going, I -- you
 6 know, I'm worried about someone having, you know, that
 7 specific contact every -- you know, every 30 days.

8 Everybody that's in jail is supposed to get
 9 seen at least, in person, at the jail, every 30 days.
 10 Which is a different problem.

11 **Q. Is that happening consistently?**

12 A. No. And I can give you reasons for that.
 13 That -- that have -- I currently have, at one point --
 14 and this was one of the problems I had when you had
 15 asked earlier about caseload. I had assigned myself
 16 the Saint Clair County caseload because it was the
 17 smallest caseload in the office. And I'm like, it's a
 18 small county, has the fewest number of court days,
 19 smallest caseload.

20 That county, as a result of -- that county
 21 also houses federal inmates in their jail. Whenever
 22 they increase their federal inmate population, because
 23 it makes them more money than our clients do, then
 24 they ship our clients out to other jails, so my
 25 Saint Clair County caseload with clients in jail are

12 (Pages 45 to 48)

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

Case 2:17-cv-04057-NKL Document 160-11 Filed 02/21/18 Page 13 of 52

Page 49

1 not in the Saint Clair County jail. They're currently
 2 in -- at least at one point, I had clients in four
 3 different jails. So when I'm talking about logistics
 4 of being able to go see people, it's not that just
 5 that you have to go to the Saint Clair County jail in
 6 Osceola to go see all of your clients, and you could
 7 map that out on one day, and say I'm going to go see
 8 all these guys in jail. We'll just schedule the day,
 9 and I can go see them, and they'll just bring guys in,
 10 and I can talk to all of them. Guys in Saint Clair
 11 County, Henry County, Bates County, Vernon County, and
 12 Cedar County. So when you start talking about going
 13 and seeing people, that then creates, well, now,
 14 you've got multiple places to go and multiple
 15 logistics problems with that in seeing folks.

16 They also had the added benefit of, even
 17 though they're housed in that county, if the
 18 Saint Clair County jail decides to go come get that
 19 person for some reason; say they're in Henry County,
 20 and Henry County, Clinton, is closer to my office. So
 21 actually, if have someone in Clinton, it might be a
 22 shorter trip for me to go see them. But the problem
 23 is the people in Henry County don't have control of
 24 that inmate. That's a Saint Clair County inmate. So
 25 if Saint Clair County decides to come get that guy,

Page 50

1 they don't have to notify Henry County. They just
 2 drive up there, and they show up at the sally port and
 3 they say, "Hey, we need to pick up so and so, and
 4 we're going to transport him back, you know, for
 5 whatever reason." Okay?

6 **Q. Uh-huh.**

7 A. So if you've planned to go see that
 8 individual -- and I know this, and I say this because
 9 I've had this happen. You plan to go see that
 10 individual, you drive to the Henry County jail, you go
 11 there and say, "I'm here to see Jones," and they go,
 12 "Well, he's not here." And I'm like, "Well, where is
 13 he?" "Well, the people in Saint Clair County came and
 14 picked him up, so they transported him back to
 15 somewhere else." You have that kind of problem.

16 I currently have -- and I know this, and I
 17 can speak for another office just because I know this:
 18 We currently have Greene County inmates in the
 19 Johnson County jail. Now, I know you don't know
 20 necessarily where Greene County is. Greene County
 21 is --

22 **Q. Springfield?**

23 A. -- Springfield, yes. So we have people
 24 from Springfield up in Centerview, which is where the
 25 Johnson County jail is, which is basically in the

Page 51

1 middle of nowhere besides some railroad tracks. We
 2 currently have a number of Greene County inmates on a
 3 regular basis up in the Johnson County jail. I can't
 4 envision how the people from Springfield go see any of
 5 those people.

6 **Q. And do you know -- do you know is that
 7 because the jails in Springfield are full?**

8 A. Sure.

9 **Q. Are they -- do you know whether they're
 10 housing federal inmates there as well?**

11 A. I have no idea whether they house federal
 12 inmates there. I know that, in our current jails,
 13 Saint Clair County houses federal inmates,
 14 Bates County houses federal inmates. So we have that
 15 influx problem routinely with -- with them. Cass
 16 County does not house federal inmates, so we don't
 17 have that issue with the Cass County jail as far as
 18 that's concerned.

19 **Q. How long is the -- if you know, how long is
 20 the drive from Johnson County to Springfield?**

21 A. Let me think here. Springfield is a half
 22 hour from Warrensburg. Half hour, half hour -- at
 23 least an hour and a half to two hours to there,
 24 because it's -- I know that both my boys went to
 25 school down in Springfield, so I'm just trying to

Page 52

1 adjust where the map is. It's going to at least -- it
 2 would at least be an hour and a half at the very
 3 least, and it's probably more closer to two.

4 **Q. Okay. So just a -- a couple of procedural
 5 questions before we kind of jump into the -- what's
 6 happening currently. But after defendants are
 7 arrested, the first time they go before the Court is
 8 for their initial hearing; correct?**

9 A. Uh-huh.

10 **Q. Are lawyers from your office present for
 11 those initial hearings?**

12 A. Generally, no. It depends -- frankly, it
 13 just depends on when you get arrested and what county
 14 you're in. And -- because if you get arrested close
 15 enough to a court date that we would normally be
 16 there, then they might just bring them over when we're
 17 there in any event, and have their initial appearance
 18 that -- you know, that day. Other times, in a number
 19 of these counties, they will do an initial appearance,
 20 and we're not there. They just do the initial
 21 appearance, arraign them on whatever charges they have
 22 or probation violation that they have, and then set
 23 their case for some court date where it would be the
 24 Court's normal docket for whatever -- whatever Court
 25 they would be appearing in front of.

13 (Pages 49 to 52)

1 **Q. Okay. And so in instances where lawyers**
 2 **from your office are at the initial appearance, it's**
 3 **not because of any proactive steps you've taken. It's**
 4 **just you -- the lawyer happens to be there --**

5 A. The lawyer is there are for the docket.

6 **Q. Okay.**

7 A. Now, we've -- we have had -- and my legal
 8 assistants, over the years, we have -- we have
 9 attempted to do things proactively to be able to --
 10 you know, they -- they've gone through the jail list.
 11 They know who's been recently picked up, especially
 12 people that we have represented before that might
 13 have, you know, various kinds of things. They will
 14 attempt to go see those people prior to the court date
 15 in order to be able to at least start the application
 16 process. And when I say, "prior to the court date,"
 17 prior to the court date that gets assigned. So it
 18 still may not be, you know, in -- in relation to that
 19 other initial appearance date, but in relation to an
 20 actual court date where we would be there.

21 I'll -- and I'll give you a for instance.

22 In Cass County, we have court on -- this Thursdays
 23 the associate docket -- the felony associate docket
 24 where people would initially be appearing on new
 25 felony charges that they've been arrested on. Some of

1 those people may have appeared, you know, yesterday,
 2 or they might have, you know, appeared today in front
 3 of Judge Rumley had an initial arraignment on what
 4 their charge is. Now, the question is what court date
 5 do they get set to, to be brought up for a regular
 6 court appearance where they would expect that our
 7 staff might be there on -- or would be there normally
 8 on that docket; okay? So if we know that person's
 9 court date -- if we can look at the jail list and see
 10 that person's court date is going to be this Thursday,
 11 my legal assistant, Julie, will try to go over -- will
 12 try to go over to the jail if possible to be able to,
 13 you know, get an application, be able to talk to that
 14 person to see what we can do about trying to get that
 15 person out of jail.

16 Now, the flip side of that is there's a lot
 17 of that that can't take place and doesn't take place,
 18 and so -- and it certainly doesn't in, you know, rural
 19 counties -- in the more rural counties, because the
 20 legal assistants aren't out there, you know, doing
 21 that. Then what happens is that person waits until
 22 the upcoming court date in order for us to be there in
 23 order for us to do the application process at that
 24 point in court.

25 **Q. And is -- is bond usually set at that**

1 **initial hearing?**

2 A. Yes.

3 **Q. Do you know -- and in Area 17, are the**
 4 **judges using bail schedules or --**

5 A. And in fact, let me back up from that a
 6 second. In fact, here's what happens when they set
 7 their -- they -- the Court may review bond. And I
 8 should -- should correct that. The Court may review
 9 bond at that initial appearance; although, they
 10 generally don't. The bond actually originally gets
 11 set when they file the probable cause statement and
 12 file the complaint, and they'll make a bond request on
 13 that -- on that complaint. And there are various
 14 Counties that will -- just based on the nature of it,
 15 if it's a C felony charge -- in Bates County, if it's
 16 a C felony drug charge, they're going to have a
 17 \$10,000 bond. That's -- that's what -- that's just
 18 what they set their -- set their bonds at.

19 **Q. But does the judge have the authority to**
 20 **alter that bond amount at -- at the initial**
 21 **appearance?**

22 A. If they're interested in doing it.

23 **Q. And there's no lawyer there to advocate for**
 24 **them to do it; correct?**

25 A. Correct. At that -- yes.

1 **Q. When -- when the -- when -- when your**
 2 **lawyers happen to be there, are they there**
 3 **representing the client at that hearing, or are they**
 4 **just there to be assigned the case if the person**
 5 **qualifies?**

6 A. It -- if our -- our practice has been, and
 7 it's the reason I tried to get our legal assistants
 8 being able to be proactive and going over to those
 9 jails, because the more that we could get ourselves
 10 with an application in hand, and more specifically,
 11 with bond information in hand for a client, then when
 12 the day that they appeared in court, we were in a
 13 better position to be able to say, you know, this
 14 person has a job. If he'd -- if we could get his bond
 15 reduced, here's where he's going to be living, all the
 16 usual bond kind of arguments that you would be able to
 17 make.

18 In a number of these places where you don't
 19 necessarily have that, it depends upon what I would
 20 describe as the Court's patience in relation to
 21 whether they're going to listen to that or deal with
 22 that on that given day. And frankly, what you're in
 23 the position of doing is basically then making what I
 24 would describe as the ad hoc bond argument, which is,
 25 well, my client is in jail. He doesn't have anything

1 else pending anywhere right now. This is a drug
 2 charge. Please, let him out. And that -- and you
 3 could just fill in the name of you know, client
 4 whoever at the top of that, and basically start making
 5 that bond argument for most everybody that's in jail.
 6 And you just know that the guy who's charged with the
 7 multiple count sex case probably isn't going to get
 8 anything heard that day. But that's -- that's kind of
 9 the nature -- you're not in a situation where you're
 10 going to be able to actively say, I'm going to -- I'm
 11 going to make sure this guy's employer sends a -- you
 12 know, gives a letter or something that just says,
 13 "Hey, yeah. If you let the guy out, he's working for
 14 me."

15 **Q. Right.**

16 A. Or that some family members specifically
 17 show up to say -- like Grandma or Mom to say, "Yes,
 18 he's going to be living at my house." And the judge
 19 in some of these rural areas, they know those people,
 20 they know who they are, so you might be able to get
 21 that person out. That doesn't happen at those initial
 22 appearances where we're not at all. And the ones
 23 where we are at, our problem is, if we're not able to
 24 do that, then yeah, you're not in the position to be
 25 able to do that. So at best, you're then trying to

1 A. Yeah. I mean, it's a -- I mean, it's a
 2 function primarily of a number of those kinds of
 3 things, but that -- but that is a -- that's a -- a
 4 huge factor in it, and it's a factor of when the next
 5 court dates might be.

6 Some places are more amenable to listening
 7 to -- to oral bond motions. And frankly, I've
 8 encouraged -- I've always encouraged every attorney in
 9 my office, and I've always done it. It's like, I -- I
 10 don't care -- frankly, I don't care what the
 11 prosecutor objects to, and I don't care what the judge
 12 says they're going to listen to or not listen to. I'm
 13 going to make that request for my client regardless,
 14 because at least, if nothing else, you're going to
 15 deny it -- you're going to have to at least deny it.

16 **Q. Right.**

17 A. And I'm going to make that -- I'm going to
 18 make that request. And part of that goes back to what
 19 I was talking about in relation to clients to begin
 20 with. At least they know that you tried to ask for
 21 something. Even if you're not in a good position to
 22 do it, you've at least tried to do it.

23 **Q. Are there -- are there ever situations**
 24 **where your office is appointed later than at the**
 25 **initial appearance?**

1 request the shortest turnaround time that you can for
 2 your client in order to then be in the position of
 3 being able to try to argue the bond situation.

4 **Q. All right. Do lawyers ever request**
 5 **hearings specifically to deal with bond reduction**
 6 **motions?**

7 A. Yes. The ones that are -- but they're --
 8 there are few, and when I say, "few," the ones that
 9 are the -- the full-on bond hearing, written motions,
 10 calling witnesses type deal, those are few and
 11 generally revolve around situations where you perhaps
 12 have, you know, serious cases. They're going to --
 13 under the -- under the Missouri Constitution, the
 14 ability to be able to have victims present at those
 15 hearings, and oftentimes -- and I know in one county
 16 in particular, the State complains every single time
 17 we make a request in relation to a bond about being
 18 able to notify somebody being there, and this might
 19 even be in a -- you know, in a drug case. Like, there
 20 isn't anybody to -- to notify in that case, but -- but
 21 that -- that's the kind of thing that doesn't
 22 generally go on. We're not in a position to be able
 23 to -- to do that.

24 **Q. And that's a function primarily of the --**
 25 **the timing of the appointment?**

1 A. Oh, yeah.

2 **Q. Or is that --**
 3 **And two questions: One, how often does**
 4 **that happen?**

5 A. It depends, and -- and I say "it depends."
 6 It's just -- it occurs for different reasons, and
 7 it -- not so much to do with the Court usually as it
 8 does with the client. Clients sometimes create
 9 scenarios where our involvement ends up being somehow
 10 at a later -- just ends up being at a later point.
 11 Someone ends up out of -- and -- and this is, you
 12 know, for people out of custody. For example, people
 13 out of custody, they've posted bond, they don't hire
 14 an attorney, they don't hire an attorney, they show up
 15 to court three or four times, the judge yells at them
 16 and then eventually says, "You go over and talk to
 17 those people over there. You know, I'm tired of the
 18 fooling around with this." So we end up with those
 19 scenarios.

20 I also end with scenarios where private
 21 attorneys have communication issues with their clients
 22 where then they request to withdraw from a case. They
 23 end up bailing out of a case, and then the judge goes,
 24 "Well, who are you going to hire?" And then it's,
 25 "Well, I don't have any. All the money I had, I

1 spent -- you know, I gave to that deadbeat that, you
2 know, I just fired." And so now, they're filling out
3 an application for our services, so we end up with
4 those situations. That's down the road, you know,
5 from where they originally had something going on.

6 **Q. Okay. You mentioned that there are --**
7 **often, there's no lawyer present for the initial**
8 **appearance. Are there other pretrial proceedings**
9 **where your lawyers are not able to be present for a**
10 **client's hearing?**

11 A. No. I mean, our Courts are -- are -- all
12 the Courts that we deal with are -- are good about --
13 whether or not the client's there, we're there. We
14 have situations where the client may not be there.
15 They're either off at DOC, they may be at some -- you
16 know, some other facility or, you know, some -- and
17 frankly, we've had scenarios where they've had issues
18 transporting people from a given jail, and so then --
19 you know, then we're, you know, trying to do things
20 without the client there. But -- but I think from a
21 standpoint of other proceedings without attorneys
22 there, all of our judges, I think, have a pretty good
23 concept of the fact that that shouldn't -- that
24 shouldn't happen.

25 **Q. Are there situations where the attorneys --**

1 be happening where that attorney would normally be at
2 that docket for that person, and there's something
3 that we could do to be able to try to facilitate
4 getting somebody out, we'll try to do that. Because
5 frankly, I don't want people sitting in jail just
6 because -- just because they've got to sit in jail
7 because the attorney is trying to represent somebody
8 else. That being said, that goes back to what I was
9 talking about earlier in that's great for the
10 attorneys and -- and helping out with other people.
11 That's one more day they don't have to do something
12 because they're doing that.

13 **Q. Okay. I want to skip to -- you're familiar**
14 **with the recent Hinkebein decision; correct?**

15 A. Yes.

16 **Q. What do you know about the -- the**
17 **decision -- the implications of that decision?**

18 A. To me, the implications of the decision are
19 that, ethically, my attorneys and myself have been
20 told that they have no -- their caseload is not an
21 excuse for not doing things, and their option, which I
22 remember listening to the arguments in relation to it,
23 a suggestion that the attorney just walk in and quit,
24 which I thought I was kind of -- well, I have a lot of
25 opinions on that, but I'll -- I won't venture into

1 **where you have to substitute one attorney for the**
2 **other to make sure someone is present?**

3 A. Oh, sure.

4 **Q. How -- how often does that happen?**

5 A. It's -- well, it's going to happen Monday.
6 It would have happened yesterday, but frankly, I was
7 at home sick. That's the reason it's going to happen
8 next Monday is because one of the attorneys in my
9 office, the one who does conflict work, has to be
10 involved in, I think, Clay County with a judge up
11 there who refuses to do something minus a whole bunch
12 of things, and so we have a case where a client has
13 posted a huge bond that we filed a motion to with --
14 to withdraw as counsel in the case. That's going to
15 have to actually be heard this next Monday, and I'm
16 going to be there in relation to that, because he's
17 going to be in Clay County.

18 **Q. All right.**

19 A. But that happens on a routine kind of
20 basis. That happens with -- you know, if attorneys
21 are sick and out. It also happens when people are in
22 trial, because oftentimes, I mean, we will try to
23 substitute or try to have people stand in. In
24 particular, if they've got people in jail, if they're
25 in trial, and then there's some other thing that would

1 those.

2 But let's just say that -- that basically,
3 what it said -- there are two things that come from
4 that. My attorneys have an obligation themselves to
5 recognize that they can only ethically handle what
6 they believe they can ethically handle; and that's
7 not, like, a magic number or something like that.
8 That's based on their experience, based on their
9 logistics, based on, you know, a number of different
10 things. They look at their caseload and say, "I think
11 this is all that I can do."

12 It also tells me that I as an -- as a
13 supervisor -- because I have a separate ethical
14 obligation under the rules, under the ethical rules.
15 I as supervisor have an obligation to make sure that
16 that attorney -- that -- that all of my attorneys in
17 my office are not violating ethical rules as a
18 supervising manager, and so it's my duty to also not
19 assign them cases and to tell them, "No, you're not
20 going -- you're not going to take cases."

21 **Q. Prior to the Hinkebein decision, were**
22 **attorneys in your office permitted to refuse cases if**
23 **they thought they couldn't ethically handle any more?**

24 A. I don't think anybody knew what that
25 actually meant. I think the reality -- the reality of

1 that -- as I said, in January, I'll have been doing
 2 this 22 years. I don't know what the -- the day I
 3 started -- you ask about reviewing stuff. I remember
 4 this number only because I remember it from when I
 5 started. I had 166 cases the day I started with the
 6 public defender's office. But I -- I haven't known
 7 another reality. I don't know that I would be able
 8 to -- I don't know whether I would be able to
 9 effectively assess that because I'm just one of those
 10 people, I'm going to -- you hand me whatever, and I'm
 11 going to go in and I'm going -- I'm going to go do it.

12 **Q. Well, you would --**

13 A. That's just -- that -- that's my -- my
 14 personality. I've never had -- I've had attorneys
 15 come to me over the years stressed out, very stressed
 16 out about, you know, either their caseload, the trials
 17 they have coming up, that's usually in conjunction
 18 with caseload. Whether they're going to be able to
 19 go -- whether, basically, they're going to be punished
 20 for going on vacations. And when I mean "punished,"
 21 not by me.

22 **Q. Right.**

23 A. Not by management, but by the caseload,
 24 because none of it goes away; it just gets continued.
 25 So when you come back, you've got the caseload you

1 with them losing their license, and they've now been
 2 actively put on notice, you could lose your license
 3 for this. You could get reprimanded, you could get
 4 suspended, you could -- what -- whatever. A number of
 5 things could happen to you, but the bottom line is you
 6 could basically be -- at the very least, become
 7 marginally employable, and you might lose your license
 8 altogether. And every day you come to the office,
 9 you've still got that caseload.

10 And guess what? When you go to court
 11 Wednesday, there's going to be 12 people that are
 12 going to fill out applications that are going to want
 13 you to represent them, and the Court is going to ask
 14 whether those people qualify as indigent, and when you
 15 tell them, "yes," then the judge is going to expect
 16 that you represent them. And even when I tell the
 17 Court, "I don't have an attorney to assign to
 18 represent them," the judge says, "Well, I'm appointing
 19 the public defender's office to represent them.
 20 That's up to you all."

21 **Q. Did you talk with your staff as a whole**
 22 **about the decision or about the implications of the**
 23 **decision?**

24 A. Yes, yeah. I had a staff meeting -- I had
 25 a staff meeting -- I arranged a staff meeting the

1 haven't done plus new caseload.

2 And so I've never had anybody walk in my
 3 office and say -- and cite to me, you know, well, I --
 4 you know, I have this ethical rule that I'm not
 5 supposed to do this, and I'm not supposed to do that,
 6 and I don't think that I can do that. I don't think
 7 they would have known what it was. And frankly, I
 8 don't know that I would know what it was.

9 **Q. How did your attorneys respond to the**
 10 **decision?**

11 A. Varying degrees of panic. I think that
 12 they -- some of them felt like they've been told
 13 something that -- again, to tell people that they
 14 should just walk in and quit, these are with people
 15 with families, with student loans, with other kinds of
 16 obligations that they've put themselves in that
 17 everybody does in the course of normal life. And to
 18 basically tell somebody, well, your obligation is to
 19 basically give up your job, you know, good luck with
 20 that. They were -- they -- and then you follow that
 21 up with, I think, your stress of the reflection a few
 22 days afterwards, which is, now, they suddenly realize
 23 that every potential letter that they get, every phone
 24 call that they get is potentially the next person that
 25 is going to file a Bar complaint that could end up

1 Friday -- we found out about the decision while I was
 2 actually at a training program, and I got my staff
 3 together that Friday when I got back, and I think
 4 there was only one attorney that was not going to be
 5 able to be there because of a prior court obligation,
 6 and that attorney was actually the one that was going
 7 to end up leaving my office in any event.

8 But I got them all together, I printed out
 9 what those rules were, and I forwarded them the
 10 information in relation to the actual -- the -- the
 11 recording of that hearing, and I said, "Here's what's
 12 come down. You need to listen to -- everybody in this
 13 office should listen to this. Everybody. Not just
 14 attorneys; everybody in this office should listen to
 15 this. And here's what those rules are. And I want
 16 you to know what those are, and I want to you to take
 17 that in." And I told them that I was going to be
 18 immediately contacting the Courts and that, you know,
 19 whatever -- whatever happened from that point forward,
 20 this is -- this is the world that we're in.

21 **Q. Did you get questions, concerns from your**
 22 **staff in response to this?**

23 A. Oh, yeah. I mean, their -- I mean their --
 24 you know, some of the questions are basic logistic
 25 like, well, what do -- what do I -- you know, what I

<p style="text-align: right;">Page 69</p> <p>1 do I do?</p> <p>2 Q. Right.</p> <p>3 A. I mean, what do I -- what do I tell the</p> <p>4 judge when I go to court? What -- what -- what do I</p> <p>5 tell a client when, you know, they fill out an</p> <p>6 application, and we're getting applications on a daily</p> <p>7 basis from the jail? Or what do I tell, you know,</p> <p>8 people's, you know, family when they call in and say,</p> <p>9 "Hey, you know, so and so got picked up. He's in</p> <p>10 jail. You know, we need you to be able to get him</p> <p>11 out. We need you to do whatever." You know, but what</p> <p>12 do we -- what do we tell those people? So you had</p> <p>13 logistics questions, and you also had, like I said,</p> <p>14 the -- what I would describe as the stress/panic</p> <p>15 questions, which are the ones of, well, wait a minute.</p> <p>16 You know, I don't -- I don't mean to thinking about</p> <p>17 me, but what about me? I mean, you know.</p> <p>18 Q. Right. The training you mentioned that you</p> <p>19 were at, this was the management training --</p> <p>20 A. Yes.</p> <p>21 Q. -- that was -- that was happening at that</p> <p>22 time?</p> <p>23 A. Yep.</p> <p>24 Q. Does your office -- so post Hinkebein, did</p> <p>25 your office establish a waiting list for defendants?</p>	<p style="text-align: right;">Page 71</p> <p>1 that. Basically, they were telling -- they were --</p> <p>2 they were -- the judges were telling clients -- what</p> <p>3 we would do is we would approve someone</p> <p>4 representation-wise. Say we approve them</p> <p>5 representation-wise as indigent. The judge would say,</p> <p>6 if you've posted a bond, like one -- like the \$400</p> <p>7 cash bond or whatever, that bond is going to be</p> <p>8 assignable to the attorney that I'm going to appoint</p> <p>9 to represent you. I'm going to appoint Mr. Jones here</p> <p>10 to represent you, and if that attorney is in court,</p> <p>11 the judge, you know, will waive them over and -- and</p> <p>12 assign them the case. If the attorney is not in</p> <p>13 court, they'll say, "Here's the attorney that is going</p> <p>14 to get assigned to you. The fee for that attorney is</p> <p>15 going to be this based on that amount." If they</p> <p>16 haven't posted a bond, the judge will tell them,</p> <p>17 "You're going to have to come up with the \$375 or</p> <p>18 whatever to pay attorney so and so as -- as the fee;</p> <p>19 okay? The -- that attorney is going to be appointed</p> <p>20 to your case, and they're going to represent you, and</p> <p>21 that's going to be the fee for them to represent you."</p> <p>22 Q. Is that a fee that would have otherwise</p> <p>23 been --</p> <p>24 A. To the public defender.</p> <p>25 Q. -- provided to the public defender's</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Yes.</p> <p>2 Q. And can you talk to me about how that</p> <p>3 waiting list works?</p> <p>4 A. I have two different things going on in the</p> <p>5 two circuits that I have. The 17th Circuit, which is</p> <p>6 Cass County and Johnson County, that circuit, a number</p> <p>7 of years ago, when we were going through -- the public</p> <p>8 defender system was going through caseload litigation,</p> <p>9 that circuit actually -- and the presiding young judge</p> <p>10 is there right now, Judge Collins, who's -- who's the</p> <p>11 PJ, they developed an administrative order in relation</p> <p>12 to, specifically Cass County. Now, he's taken that</p> <p>13 over now to Johnson County as well, which is a</p> <p>14 different animal.</p> <p>15 But basically, that administrative order,</p> <p>16 for lack of a -- a better thing is this: They will</p> <p>17 take -- they developed a list of private attorneys.</p> <p>18 The judge went and talked to the private Bar and met</p> <p>19 with them and said, you know, we're going to need to</p> <p>20 start assigning some cases to you people. And what</p> <p>21 they did is they used our fee guidelines, our fee</p> <p>22 structure as the fee structure for those attorneys.</p> <p>23 So if you had people posting, you know, a \$5 00 cash</p> <p>24 bond, our fee structure is, I think on a -- you know,</p> <p>25 on a number of felony cases was \$375 or something like</p>	<p style="text-align: right;">Page 72</p> <p>1 office?</p> <p>2 A. Yes. And I say -- and I say "a fee</p> <p>3 provided." We don't get any of those -- we're not --</p> <p>4 not getting any of those fees up front or any --</p> <p>5 anything like that. I mean, we enter cases, we</p> <p>6 make -- we file a fee notice with the Court saying</p> <p>7 that, you know, we ultimately are assessing what would</p> <p>8 be that fee to the individual, and sometimes, those</p> <p>9 get collected through income tax refunds with the</p> <p>10 state. Sometimes people send them -- you know, I</p> <p>11 mean, people will contact us and say, "Hey, you know,</p> <p>12 can I go ahead and pay that now?" Or, "Can my family</p> <p>13 pay that," or you know, whatever. We don't premise</p> <p>14 our representation on -- whether we enter a case based</p> <p>15 on whether they've paid that. They just know that</p> <p>16 that's the fee, unless the fee gets waived for some</p> <p>17 reason.</p> <p>18 I have a number of cases that when we</p> <p>19 assign these cases out -- and when I say "we" assign</p> <p>20 them, when the Court assigns a private attorney to</p> <p>21 represent them under that administrative order, then</p> <p>22 what we do is I -- we -- if we have that open case on</p> <p>23 a -- on a waiting list in our office, then what we do</p> <p>24 is we close that case out, and we do not -- I waive</p> <p>25 the fee in that case, so we collect no -- we -- we</p>

18 (Pages 69 to 72)

1 don't assign any fee to that because that was going go
2 to that private attorney --

3 **Q. Uh-huh.**

4 A. -- okay? Now, the Court is not doing that
5 in all of those cases, but they are assigning some of
6 our cases -- what would be our cases to private
7 attorneys under that administrative order. They're
8 doing it much more in Cass County than they are in
9 Johnson County. That's partly because the associate
10 judges in Cass County are much more proactive in
11 basically doing this, and -- and in essence, following
12 that kind of process.

13 That's all initiated by client fills out
14 application, and we approve them as indigent, and if
15 they're approved as indigent, then we're advising the
16 Court, this would be an indigent person that we would
17 otherwise represent, and the Court then is doing that
18 under that administrative order.

19 **Q. Now --**

20 A. That's in the 17th Circuit.

21 (Martin Exhibit 13 was marked for
22 identification.)

23 **Q. And I'm going to hand you what I think is**
24 **now Exhibit 13. I apologize I don't have extra copies**
25 **of this. I'll send it across so you can take a look**

1 attorneys, basically, we were dealing with at that
2 point. One of them is actually the prosecutor down
3 there in Cass County now. And that dealt almost
4 exclusively with -- for the most part, misdemeanor
5 cases, probation violations. It didn't have as much
6 other, you know, felony cases involved. This time,
7 there's a larger list of attorneys that -- that
8 they're working with that have agreed to, you know, be
9 able to take some of these -- some of these cases.
10 And so it's not just to two -- two attorneys that
11 you're dealing with.

12 **Q. Okay. And what's happening in the other**
13 **judicial circuit?**

14 A. Well, in the other circuit, I actually
15 filed our notice for conference requests under
16 Chapter 600. The associate judge in Bates County,
17 which is Judge Hopkins, when she initially found
18 out -- before I had ever filed a notice, but when she
19 found out basically that I had indicated to the
20 attorney heading down there that we're not -- we're
21 going to have to do something about not taking cases,
22 she literally just started assigning attorneys in
23 court. She didn't even -- She didn't have an
24 administrative order. She didn't care about fees or
25 anything. She just started naming attorneys that were

1 at it.

2 **Is that the administrative order that**
3 **you're referring to?**

4 A. That looks like exactly it.

5 **Q. Okay.**

6 A. That is correct. And yep, that's signed by
7 Judge Collins.

8 **Q. Now you said that there is a -- a different**
9 **setup in the other circuit; correct?**

10 MR. WILLIAMSON: Let me --

11 **Q. (By Mr. Williamson) Now, before we get to**
12 **that other circuit, other than, I guess, talking with**
13 **the Court about private attorneys who might be able**
14 **to -- to fill in, did you have any other involvement**
15 **in developing this order?**

16 A. Well, I did originally. And like I said,
17 this is -- this is basically a renewal of -- with some
18 modifications to it, of the original administrative
19 order that Judge Collins did back a few years back,
20 whenever that was, in being able to -- it's a little
21 bit different version of it.

22 **Q. Uh-huh.**

23 A. We did -- we had a different referral
24 system -- a little bit different referral system that
25 we did back under the original order. There were two

1 in court down there on her docket and started
2 assigning cases to them.

3 In Henry County and in Saint Clair County,
4 that did not happen. The judge in Henry County,
5 Judge Strothmann, basically gave some more time for
6 clients; in other words, kind of what I would describe
7 as tried to give them more time to -- a little bit
8 more time to, you know, maybe hire somebody. Said,
9 "Well, you need to work at, you know, trying to hire
10 someone in some fashion."

11 But then it wasn't long after that in
12 filing our request that Judge Journey in -- basically
13 saying that based upon the -- my initial notice to
14 them that we weren't going to take cases,
15 Judge Journey said that -- and sent me a notice
16 basically saying that they didn't recognize that, and
17 he was going to order us into cases. And so he
18 created basically a blanket form that is an order form
19 that they simply sign in court, fill in the client's
20 name, case number, and scanned it into their system
21 that says, the, you know, public defender's office
22 under Chapter 600 is being appointed to this case.

23 I appeared in court. I've entered a few of
24 those cases under objection. I have now advised
25 Judge Strothmann last Friday when I was in court, and

1 I advised Judge Journey, who is the circuit judge and
2 is the presiding judge, that I'm not assigning an
3 attorney to any case at this point. And so while he
4 may be assigning cases to the public defender's office
5 in general, I'm not assigning any attorney to any
6 case, and that includes me.

7 **Q. And are those the cases that are then**
8 **ending up on a wait -- wait list?**

9 A. Yes. I currently have -- when I had looked
10 at it, I think there's about 100 and -- and I say, "on
11 a wait list," there's also Cass County -- I mean, I
12 still have a wait list of people in -- from any of
13 these counties. The -- we currently have about 100
14 and -- I think when I saw it last, it was around 105
15 or 110, something like that, people on a wait list.

16 **Q. How many -- do you recall when that wait**
17 **list was started?**

18 A. We started really being able to -- we've
19 had a couple things in our -- in our case management
20 system to try to be able to track it, and -- but I
21 will say that we started doing that literally
22 October -- it would have been right around whenever I
23 had -- and you may have a copy of the e-mail that I
24 got from -- from -- from Judge Journey indicating his
25 feelings about my notice to them.

1 filed a number of things in my request. He's going to
2 deny a number of those things, which we'll see where
3 that ends up.

4 **Q. And of -- of those roughly 105 defendants**
5 **who are on the waiting list, do you know approximately**
6 **how many of them are in custody?**

7 A. No, I don't.

8 **Q. Some of them are in custody?**

9 A. Oh, yeah. Some of them are definitely in
10 custody. Oh, absolutely.

11 **Q. Okay. And to be clear, the -- the**
12 **Chapter 600 motion is just an order to schedule a**
13 **conference; right?**

14 A. Correct.

15 **Q. I mean, there's no -- no conference has**
16 **happened at this point?**

17 A. No conference. I -- again, I'll look at it
18 in two different -- two different settings. I had a
19 meeting. Judge Collins scheduled for all practical
20 purposes what I would describe as a conference with
21 myself and the two prosecutors from Johnson County and
22 Cass County. This wasn't under me filing a motion or
23 anything like that. This was us having this meeting.
24 Other than talking about some of the things
25 administrative order-wise, I basically sat through

1 And I'll explain my process. After I got
2 back, and I met with my attorneys, over the weekend, I
3 contacted both of my presiding judges. I called both
4 of them on the phone, and I told them exactly what we
5 were going to do; that I was go I think to stop
6 assigning cases to attorneys, that I felt it was a
7 Rule 4 violation, and that I had obligations under my
8 own supervisory ethical rules not to appoint these
9 cases. Judge Collins asked whether -- and both of
10 them asked whether I was going to be filing something
11 under the Chapter 600. With Judge Collins, because
12 they were trying -- he was trying to reestablish this
13 administrative order, I told him I wouldn't file
14 anything that -- if they were going try to work at
15 doing stuff, I wasn't going to file something there.
16 Judge Journey had no such plan with that, and so I
17 eventually went ahead and filed a Chapter 600 motion,
18 and that's where we stand right now.

19 **Q. Has Judge Journey ruled on that --**

20 A. No.

21 **Q. -- Chapter 600 --**

22 A. He's -- he is -- we have a conference
23 currently verbally scheduled for the 15th, Friday the
24 15th. He has not sent -- he has not sent an actual
25 order, written order out in relation to it, because I

1 what I would describe as about three hours of meeting
2 where I had prosecutors lecture me about work habits
3 and whether SIS offers -- whether I expected that
4 offers would get any better than an SIS offer and
5 what -- you know, what did I want. So I've moved on
6 from that. Although, I remember it.

7 **Q. Okay.**

8 A. Judge Journey verbally scheduled this
9 conference initially for the 1st, and then because he
10 hadn't issued his order, when I was in this court with
11 him on Monday -- I want to say November 20 -- the end
12 of November, whatever that Monday was after
13 Thanksgiving.

14 **Q. Uh-huh.**

15 A. 20-something, whatever it was. It was the
16 Monday after Thanksgiving.

17 **Q. 27th?**

18 A. I was in court in front of Judge Journey
19 and was still objecting about cases, and he had --
20 went ahead to reschedule the hearing for the -- for
21 the 15th. Had also asked whether I had seen the order
22 that Judge Torrence had issued out of Jackson County.
23 I told him that I had seen that order, that I was
24 personally offended by the language in some of that
25 order referring to our caseload situation, I think, as

<p style="text-align: right;">Page 81</p> <p>1 a saga of some sort, which I found offensive, and</p> <p>2 Judge Journey indicated to me that while he agreed</p> <p>3 with some of the practical aspects of the ruling, as</p> <p>4 far as what he was going to allow or not, he didn't</p> <p>5 necessarily agree with the tone of the order. I have</p> <p>6 yet to see an order. We have a meeting scheduled for</p> <p>7 the 15th. We'll see what -- what happens at that --</p> <p>8 and yes, that is only a conference.</p> <p>9 Q. Uh-huh. And are the judges, as far as you</p> <p>10 know, aware of the fact that you have this -- this</p> <p>11 waiting list in place?</p> <p>12 A. Yes.</p> <p>13 Q. When you shared your plans with the two</p> <p>14 judges prior to actually moving forward with your --</p> <p>15 with your -- with your plan, what -- what was their</p> <p>16 response?</p> <p>17 A. Well, like I said, I think Judge Collins</p> <p>18 has always indicated his intent to kind of reactivate</p> <p>19 or reinvigorate this -- a modified version of this</p> <p>20 order that he had. And I think that his -- my</p> <p>21 impression with it was that he was -- he had indicated</p> <p>22 he was going to talk to the Bar in both counties and</p> <p>23 try to get, you know, what cooperation he could out of</p> <p>24 them.</p> <p>25 Judge Journey had indicated to me before</p>	<p style="text-align: right;">Page 83</p> <p>1 VIDEOGRAPHER: On the record, 4:46 p.m.</p> <p>2 Q. (By Mr. Williamson) Mr. Martin, in your</p> <p>3 opinion, did the attorneys in your office have the</p> <p>4 time and resources to communicate with their clients</p> <p>5 in the manner that each case requires?</p> <p>6 A. No.</p> <p>7 Q. Does that include yourself?</p> <p>8 A. Yes.</p> <p>9 Q. In your opinion, do the attorneys in your</p> <p>10 office have the time and recess -- resources to</p> <p>11 investigate each case in the manner that it requires?</p> <p>12 A. No.</p> <p>13 Q. Okay. And is it -- does that include you?</p> <p>14 A. Yes.</p> <p>15 Q. What's the basis for your opinion?</p> <p>16 A. Because I think that what we've become good</p> <p>17 at is shortcuts, and rather than doing the things that</p> <p>18 you should do, you do the things that expedite things</p> <p>19 as best as you can expedite them. It's a triage</p> <p>20 process, and you look at cases, and you go, this is</p> <p>21 your average drug case, but it's got a few pages of</p> <p>22 discovery. It's got a lab report. I can go talk to</p> <p>23 my guy. I can do this or that. Done. And that's the</p> <p>24 amount of time I'm going to spend on it. And if my</p> <p>25 guy's sitting in jail, he just wants to get out. And</p>
<p style="text-align: right;">Page 82</p> <p>1 he, you know, knew what our situation was. He knows</p> <p>2 the attorneys I have working there, and he knows</p> <p>3 exactly what their caseloads are and -- because I've</p> <p>4 reiterated it with him a number of times over a long</p> <p>5 period of time. The -- his -- he expressed what I</p> <p>6 would describe as, I think, more frustration with not</p> <p>7 so much us, but with the local Bar in general just</p> <p>8 because there are -- there's not going to be as much</p> <p>9 cooperation -- first of all, there's not as many</p> <p>10 defense attorneys; and second, there's just not going</p> <p>11 to be as much cooperation in -- in general in relation</p> <p>12 to what we would have out there given the numbers of</p> <p>13 what we have out there.</p> <p>14 And there's an added complicated factor in</p> <p>15 Henry County that revolves entirely around the</p> <p>16 prosecutor there, which I could go at length, but I</p> <p>17 won't.</p> <p>18 Q. Okay.</p> <p>19 COURT REPORTER: If you get to a stopping</p> <p>20 point, I could just use five.</p> <p>21 MR. WILLIAMSON: Why don't we take five</p> <p>22 right now?</p> <p>23 COURT REPORTER: Sure.</p> <p>24 VIDEOGRAPHER: Off the record, 4:38 p.m.</p> <p>25 (A brief recess was taken.)</p>	<p style="text-align: right;">Page 84</p> <p>1 if the prosecutor's making a probation offer, he's</p> <p>2 like, why can't we do that yesterday? I should</p> <p>3 already be out this afternoon. And nobody -- as a</p> <p>4 practical matter, nobody is going to turn and tell a</p> <p>5 client, well -- and especially if they're stuck in</p> <p>6 jail, "What you need to do is sit in the jail so I can</p> <p>7 investigate further your case." That -- as a reality,</p> <p>8 people aren't -- people aren't going to do that. If</p> <p>9 your client is out of jail, you can have a little bit</p> <p>10 different discussion with them.</p> <p>11 But from my experience with our clients,</p> <p>12 one of the things that also happens is you're dealing</p> <p>13 with people that are indigent. They have driver's</p> <p>14 license problems, they have transportation issues,</p> <p>15 they have family issues, they have over kinds of</p> <p>16 things. And the more court dates you set, the more</p> <p>17 likely it is they're not going appear at some point,</p> <p>18 and then that runs the risk of them ending up right</p> <p>19 back in the jail, and then the case that you were</p> <p>20 trying to look at, they're ready to now -- they just</p> <p>21 want to be done with it so they can get out of the</p> <p>22 jail. And that -- you know, that -- that happens in</p> <p>23 cases.</p> <p>24 And you -- when I say "triage," you then</p> <p>25 start looking at cases that you go, this case is a sex</p>

Page 85

1 case. I know -- I already know in my head I'm going
2 have to depose a number of people. I'm going to be
3 getting school records. I'm going to be getting DFS
4 records. I'm going to be, you know, talking to the
5 people at Children's Mercy, and they don't like to
6 cooperate, so I'm going to have to try to fight
7 getting deposition times with those folks. I know
8 the -- the level of litigation that's going to be
9 involved in that case, and so you just start devoting
10 resources. You go, I got so much time. I can do so
11 much stuff. I'm going to devote this to this, and I'm
12 not going to devote that to that.

13 **Q. So -- and you talked earlier about the --**
14 **the level of experience among your attorneys. And you**
15 **testified that there are things that those attorneys**
16 **are able to manage that younger attorneys may not be**
17 **able to; correct?**

18 A. Sure, yes.

19 **Q. And yet, even with that experience, you**
20 **don't believe that your attorneys are able to cover**
21 **all of their bases?**

22 A. Yeah. I don't think their -- I -- I don't
23 think that they can do that in the way that they
24 should do that. I think they have to make do with
25 what they have and what you can do. You have -- you

Page 87

1 **are not able to retain an expert or don't retain an**
2 **expert for whatever reason?**

3 A. I -- well, there's two different -- there's
4 two different things there. I have -- I don't think,
5 other than asking them to clarify something that I
6 know somebody further along the management line would
7 want to have clarified to approve the request for the
8 money, something within the actual request, itself, I
9 don't think I've denied anybody's request for
10 anything. I mean, I've basically approved those as
11 long as they've got it structurally the way they
12 should have to be able to get it approved. I think
13 the real question there is, knowing what it is that
14 you need get.

15 And here's the example of what I was
16 talking earlier: When you're triaging, you're
17 basically saying, I know I'm going to have to put the
18 work into this case first because it's going to
19 require the most logistics, and so I'm going to work
20 on that, and I'll put this off until then because I
21 don't have to. The case that you put off until then
22 now is three weeks before trial, you're deposing
23 witnesses, you find out something that you go, holy
24 crap, I'd really -- I'd like love to have somebody be
25 able to tell me if you can actually do that, you know.

Page 86

1 have what you have. You -- you do what you do with
2 what you have.

3 **Q. So the -- their experience makes them**
4 **better at triaging --**

5 A. Yes.

6 **Q. -- than younger attorneys?**

7 A. Oh, yeah.

8 **Q. But triaging is not the standard?**

9 A. No. Triageing is not a standard. Triageing
10 is, I recognize -- I better recognize shortcuts.

11 **Q. How often do your attorneys employ experts?**

12 A. All of them do. I would say the vast
13 majority of the experts that we hire -- and I say
14 "vast majority." I don't know that I could put a
15 percentage on it, but I just know from approving the
16 requests for money, the vast majority of the experts
17 revolve around mental health issues, being -- being
18 able to have people evaluated for mental health
19 purposes, competency purposes, sometimes NGRI
20 purposes, but there's a lot that revolves that. Some
21 involving other kinds of issues, but very little that
22 I would describe as the kind of experts that people
23 read about in the news and get all excited about.

24 **Q. Are there cases for which you think experts**
25 **or an expert would be appropriate where your lawyers**

Page 88

1 Maybe I need a guy that could look at X and tell me
2 that. Well, now, they're two weeks out from trial,
3 and they're trying to figure out, can I actually get
4 an expert to be able to do that? And so it -- that's
5 how you run into the problems of, well, maybe I -- you
6 know, can't get an expert, because then, my -- my --
7 my big sneaking hunch -- because I haven't seen a
8 whole bunch of these kinds of things, my big sneaking
9 hunch is they look at it, they think about it, then
10 they look at the case, then they talk to the guy, then
11 they talk to the prosecutor about maybe a different
12 offer or some other kind of thing, and the reality is
13 they never hire anybody to look at any of it. They
14 basically say, well, I don't know that I'd really be
15 able to do that anyway. I don't know what that would
16 amount to, and so then they -- you've backed yourself
17 into the corner of having to proceed.

18 **Q. Okay.**

19 A. Or you get into a really ugly fight with
20 the Court about, well, I now recognize that I need to
21 have an expert in this case, which the judge may grant
22 that continuance. But now, in essence, what you've
23 told the judge is, I didn't do anything as a practical
24 matter to prepare this case until short enough period
25 of time that now I know I need an expert in this case,

22 (Pages 85 to 88)

1 and now, I'm asking you for time to get the expert; so
2 now, you've lost credibility with your judge in
3 relation to what you do in relation to preparing your
4 case. That -- it's a -- it's a vicious cycle that
5 feeds on itself.

6 **Q. So in light of that testimony, in your**
7 **opinion, do you believe that the attorneys in your**
8 **office have the time and resources to consult with**
9 **experts in the manner that each case requires?**

10 A. I don't think they have the time to be able
11 to do that. I think MSPD tries to encourage and
12 provide the money available to do that as much as
13 they -- as much as they can. And again, I've never
14 had some request that I forwarded turned down, other
15 than the logistics of this -- we need this clearer, or
16 we need something clarified in this request. I think
17 it's just the time that people don't -- they don't
18 have, so they don't do it, or they don't recognize it,
19 so it never gets done.

20 **Q. How often do your attorneys take**
21 **depositions?**

22 A. It depends on the attorney. There are some
23 attorneys that are pretty active about doing it.
24 There are other attorneys that, you know, take some
25 depositions. But not near as many as what I would

1 One of the reasons is, as a practical matter in some
2 of these jurisdictions, you're only going to be able
3 to -- there's only so many people. You got one
4 prosecutor, you got one judge, you got one attorney.
5 You're only going to try so many cases, even if they
6 schedule the cases. But as a practical matter, like I
7 said, with the logistics of -- of the way some of
8 these cases work and things you don't find out or
9 things that you -- you're only able to push and pursue
10 because you're able to push and pursue them or maybe
11 research a legal matter or have a suppression hearing
12 that you go, hey, guess what we found out. We finally
13 found out this, and we were able to have a hearing.
14 You force the issue such that the case that should
15 have either, one, never gotten filed or, two, should
16 have been reduced to a misdemeanor or some other thing
17 happen to it a year ago doesn't happen until a week
18 before trial, when you've been able to basically force
19 everybody's hand to be in a situation where they all
20 have to legitimately look at it, and they go, oh, wow,
21 this case sucks, and then they -- you know, and then
22 the case goes away. So some of it are, cases aren't
23 going to go to trial because they actually are forced
24 to a position where they recognize that the case might
25 not really be a good case.

1 routinely want. I -- I look at this, and I think
2 anybody should look at this and say, if this was -- if
3 this was me, if this was my kid, and my kid was
4 looking at seven years in prison or ten years or
5 fifteen or however much it is, or being registered on
6 a sex offender list for the rest of their life, I
7 would want somebody to do this. I'd want them to look
8 at everything and be able to figure out what it is
9 that they're doing and know what they're doing before
10 any substantive thing happens that jeopardizes their
11 case, their ability to get something done, and I don't
12 think that they have the time to be able to do that.

13 **Q. Okay. Do you know by chance how many --**
14 **roughly, how many of your cases go to trial in a year?**

15 A. Oh, it's less than -- it would be less than
16 five percent, maybe less than one percent. I mean, we
17 have 20 -- we open up 2400 cases, ten percent would
18 be, what, 240? So one percent would be 24. I bet we
19 don't have 24 trials.

20 **Q. Okay.**

21 A. So less than one.

22 **Q. And -- and is that -- what -- what do you**
23 **think the reason is for that or reasons?**

24 A. Well, I think there's two -- I think
25 there's -- I think there's a couple reasons for that.

1 **Q. Right.**

2 A. And they either offer something that makes
3 it go away, or they dismiss it, or something else
4 happens that changes the logistic.

5 I think as a practical matter too, there's
6 a lot of resources from the standpoint of the time of
7 an attorney in relation to getting a case ready for
8 trial and doing all of those things that you were
9 talking about in relation to investigating, talking to
10 witnesses, doing requests, deposing people, reviewing
11 discovery, all those kinds of things that you go, to
12 realistically do all of that and do all those -- all
13 of those things is an enormous time investment, and
14 the reality is, you know, I think that it'll happen
15 with certain cases, but there's a whole bunch of other
16 cases that it isn't going to happen with.

17 MR. WILLIAMSON: Okay. Can we go off the
18 record for two minutes?

19 VIDEOGRAPHER: Off the record, 5:01 p.m.

20 (A brief recess was taken.)

21 VIDEOGRAPHER: On the record, 5:03 p.m.

22 **Q. (By Mr. Williamson) What steps, if any, do**
23 **your attorneys take to evaluate the immigration**
24 **consequences that a client might be facing?**

25 A. Basically, there -- it's simply a

Page 93

1 questioning process of determining whether someone is
2 a citizen, whether they're a US citizen, or if they
3 have some other immigration implication. I would say
4 that, in our office, we're actually -- no matter how
5 you'd want to look at it, we don't have that many
6 clients in our office that fall into that category,
7 simply because we don't have either the work
8 situations or population areas where you tend to have
9 an immigrant population where you would have a lot of
10 that occurring. We do have it but not -- but not very
11 often, and usually, when we do, it's -- it's pretty
12 self-evident when you start talking with people and --
13 and you find out pretty quickly that, you know, they
14 don't have -- just through our application process.

15 **Q. Do you think your lawyers have the**
16 **knowledge and expertise to -- to decipher what the**
17 **consequences might be based on what the client is**
18 **telling them?**

19 A. Oh, no. Every time we have it happen, we
20 usually are trying to consult with someone. I mean,
21 they -- usually, they'll find their way into my office
22 and ask me, and then I will tell them that I don't
23 know, and that -- that we need to talk with somebody
24 who does know, and they'll, you know, try to consult
25 with, you know, Counsel. I know that they know

Page 94

1 someone that we actually -- someone in our office that
2 was friends with someone who does that kind of work,
3 and so they actually are able to contact that person
4 and get a lot of good information without having to
5 hire people to -- to do that.

6 **Q. Okay. Does your office handle juvenile**
7 **cases?**

8 A. Not as a matter of course, no. Now, we do
9 end up with them at times on a conflict basis, usually
10 because -- it used to be that Jackson County and
11 Clay County, for example, had juvenile situations, and
12 when they had conflict situations, then we would end
13 up with sometimes a juvenile out of that.

14 **Q. Okay.**

15 A. Which was always a frightening situation.

16 **Q. So who handles the juvenile cases that come**
17 **through Area 17?**

18 A. Right now, we don't have any, but
19 generally, it would probably end up being me, simply
20 because I've done it in the past. I don't know that
21 anybody else in our office actually really knows
22 anything about it, and what I know is probably scary,
23 so --

24 **Q. All right. And is that just -- is the**
25 **volume just a matter of there not being a lot of**

Page 95

1 **juvenile cases coming through?**

2 A. No. Actually, what happens is -- in both
3 of the circuits that we work in, the Courts there
4 actually have -- they assign private attorneys to
5 represent juveniles in cases, and they almost -- the
6 caseload that -- that arises out there, they are not
7 certifying individuals as adults in cases out there.
8 They just -- they don't --

9 **Q. I see.**

10 A. They don't do that. So we, from that
11 standpoint, have not actively gone in and tried to get
12 into the middle of those. I've had the Court, over
13 the years, contact me at times where we had cases
14 where the Court felt like that might very well happen
15 or that that request might happen.

16 **Q. Uh-huh.**

17 A. Given the nature of the charge, if it was a
18 sex charge or some kind of thing -- I know we had a
19 homicide in Cass County a number of years ago
20 involving a juvenile being involved in the case, and
21 the judge basically contacted me immediately and said,
22 you know, you guys are going to end up in this case; I
23 want you in right from the beginning rather than, you
24 know, later on. But -- but generally, we don't handle
25 them.

Page 96

1 **Q. Okay. Okay. In your opinion, generally**
2 **speaking, can the attorneys in your office adequately**
3 **represent all -- all of the clients on their dockets?**

4 A. No.

5 **Q. And does that include yourself?**

6 A. Yes.

7 **Q. And that also includes very experienced**
8 **attorneys; correct?**

9 A. Correct.

10 MR. WILLIAMSON: That's all I have.

11 EXAMINATION

12 BY MR. RAMSEY:

13 **Q. Good afternoon.**

14 A. Hi.

15 **Q. My name is Steven Alan Ramsey, and again, I**
16 **represent the State of Missouri and Governor Greitens.**
17 **I have a handful -- a little more than a handful of**
18 **questions for you if we can get through them.**

19 **To begin, do you have a sense of what**
20 **percentage of criminal cases in the counties that you**
21 **are over, that you represent -- so you said you**
22 **brought in about 2400. Do you know total about how**
23 **many there are?**

24 A. Sure. I -- I don't know what the -- what
25 the overall criminal numbers are, but I can give you

24 (Pages 93 to 96)

<p style="text-align: right;">Page 97</p> <p>1 an idea kind of how our office shapes up. So if 2 you're looking at a place like Saint Clair County, 3 Saint Clair County, we probably handle 90 percent of 4 the criminal caseload out there easily. I mean, 5 there's one or two attorneys that do some defense 6 work, but that's -- that -- it -- it's not many. 7 Bates County and Henry County, there's more defense 8 bar there, but relatively speaking, we still easily -- 9 I would say we probably still easily do 70 to 10 80 percent of the docket there. When you get to -- 11 and that's probably fairly true with Johnson County as 12 well. Cass County is a little bit different because 13 you -- because we're -- that's near the metro area. 14 You have a lot more defense bar involved. I don't 15 know that I'd -- I don't know that I'd be comfortable 16 giving you a good percentage on that, but there's a 17 lot more defense bar there, and so the -- the overall 18 breakdown of that caseload could be, you know, a lot 19 closer to, you know, say 50 percent of the caseload or 20 something like that, but I -- I -- I wouldn't feel as 21 comfortable about that number as a percentage, but 22 that gives you an idea of how that changes as you come 23 towards -- more towards the metro. 24 Q. And when you track cases that are in your 25 system, is it done by criminal defendant, or is it</p>	<p style="text-align: right;">Page 99</p> <p>1 well. If they're inactive for over a year, then at 2 that point, we close the case as inactive over a year, 3 because, you know, that person -- something else may 4 have happened with that person. 5 You can also look it up just by case number 6 as well. 7 Q. Switching gears a bit, in terms of the 8 determination of indigent -- indigency, pardon me -- 9 A. It's okay. 10 Q. -- how does that occur within your 11 district? 12 A. In the areas where I have legal assistants 13 able to operate, then the legal assistants try to do 14 that for the most part. So for example, client -- 15 either they will -- either meeting people at the 16 jail -- 17 And let me back up and -- and answer this 18 way: We get applications by people filling them out 19 in court, filling them out at the jail, faxing or 20 e-mailing them to us, or sometimes we will simply get 21 a letter request from an inmate that is in DOC 22 somewhere that says, "Can you guys help me dispose of 23 my case?" And then we'll send an application to them, 24 and then they'll send it back. So those are the 25 different processes.</p>
<p style="text-align: right;">Page 98</p> <p>1 done by overall charges? 2 A. When you say, "tracking," meaning how? 3 Q. Well, so when you look to determine how 4 many cases you have right now, is it viewable in -- by 5 criminal defendant, or is it, you know, there are 6 36 felony As in this particular type, and so and so 7 forth? 8 A. It's -- you can -- our -- our case 9 management database actually is really good at being 10 able to separate it out various different ways. I can 11 separate it out by county. I can separate it out by 12 type of case charged, meaning breaking it down by, you 13 know, A, B felony, A, B felony drug, you know, A, B 14 felony sex case, C, D, E felony, C, D, E sex case, 15 I -- I can break them out it that way. 16 They are entered in our system each -- you 17 can pull cases up by client, and then under that 18 client we'll have every open case that currently -- 19 that client currently has, and it will actually also 20 show you the closed cases as well. But I mean, those 21 aren't active cases. It will also pull up if cases 22 are inactive on those cases, so when we have people go 23 into a warrant status, they fail to appear for court, 24 we put those cases in what's considered an inactive 25 status, and they will show that way in our system as</p>	<p style="text-align: right;">Page 100</p> <p>1 The places where I have legal assistants 2 that can go actively meet with someone, I try to have 3 them do that because it helps get the case open in our 4 system sooner, which allows us to deal with those 5 bonding issues sooner. 6 In a couple of -- excuse me. In a couple 7 of the counties where attorneys are operating 8 basically without that legal assistant help, the 9 attorneys, themselves are taking the applications, 10 generally in court, and you know, screening -- in 11 essence, screening clients themselves in court. 12 Q. And when you say, "screening," so they fill 13 out the application, the legal assistant or the 14 attorney will look at that and say, "Oh, yeah, this 15 person, you know, is under the federal poverty 16 guidelines; therefore, they are eligible." Is that 17 essentially the screening process? 18 A. There -- the screening process has to do 19 with their indigency status, which in -- which can 20 include different things. There are different things 21 that are evidence of. If you have people, for 22 example, that are receiving State benefits, those 23 individuals will qualify. If -- because they've 24 already been determined by the State to be indigent. 25 They're receiving benefits of some -- of some sort,</p>

25 (Pages 97 to 100)

<p style="text-align: right;">Page 101</p> <p>1 you know, either housing benefits or food stamps, 2 those kinds of things, people that are on disability. 3 If we have -- and then we use the federal 4 poverty guide -- guidelines as a benchmark for people 5 who aren't generally receiving those other benefits. 6 If they say they're employed or not employed. If they 7 are employed, then using that and figuring out, you 8 know, how many people are in the household, you know, 9 as far as dependents that they would have that -- that 10 would count towards that, what other types of things 11 that might impact that. 12 Our ultimate indigency determination has to 13 do with the ability of that person to be able to 14 acquire representation for themselves, and we don't 15 use that as a basis of, well, they're going to go out 16 and, you know, try to hire the, you know, best legal 17 team in the state or something like that to represent 18 them on a case. What I mean is, is that person might 19 be right near the borderline of, you know, federal, 20 you know, poverty guideline, and maybe they didn't 21 have to post a bond or anything to get out of jail; 22 but because of the nature of the type of case that 23 they have, they're not going to be able to hire 24 somebody anywhere within a 100-mile radius for less 25 than \$20,000. That person doesn't have \$20,000 to be</p>	<p style="text-align: right;">Page 103</p> <p>1 walking into the courthouse and filling out an 2 application saying, I have nothing, I make nothing, 3 and that's the way this is. That's -- that's not what 4 occurs. 5 Now, we will oftentimes -- and we do have 6 situations where we have looked at things where people 7 will say something about a house or some other kind of 8 asset that they might have, and we'll look into that. 9 We'll ask the judge to, you know, hold off, set a case 10 over that we're reviewing, you know, the indigency 11 situation. We have situations where people post cash 12 bonds that we will, you know, tell the Court, "This 13 person has posted a cash bond. They would be able to 14 use that to go hire somebody. We're going to decline 15 representing them." I don't know how many people we 16 decline, but we decline representation to, you know, a 17 number of people. 18 Q. That was my next question, if you had a 19 sense of, like, a rejection rate of how many people 20 are applying and how many people are being rejected. 21 A. A rate, I don't know. I mean, again, it's 22 probably something that I could find out, but off the 23 top of my head, I don't know what it would be. I know 24 that we decline people for a number of different 25 reasons, which include everything from they're</p>
<p style="text-align: right;">Page 102</p> <p>1 able to do that. We routinely have that happen, for 2 example, in sex cases and things like that, where it's 3 like, those people are going to get quoted numbers, 4 they're not going to be able to hire somebody. It's 5 not going happen. And so we end up -- you know, we 6 end up in those cases. 7 Q. Does your office essentially take the word 8 of the applicant on the applications? Do you 9 essentially take their word for it in terms of, yes, 10 I'm -- I'm receiving public assistance, et cetera, or 11 is there -- pardon me, I'm sorry. 12 A. No. That's okay. In essence, if you're 13 asking me whether we investigate people's indigency 14 requests, as a practical matter, I don't have the 15 resources to represent people the way I think we need 16 to represent them. From an indigency standpoint, I do 17 not have the resources or the ability to do active 18 investigations of people as to their indigency status. 19 But I'll answer also answer this -- this 20 way: I do not -- in my experience, I do not routinely 21 have people coming into court asking for us to 22 represent them and filling out applications for us to 23 represent them that appear to me that they would 24 otherwise be able to go out and hire counsel. They're 25 not pulling up in their Lexus outside, and then</p>	<p style="text-align: right;">Page 104</p> <p>1 currently being represented by a private attorney; 2 although, they still might qualify, even if they're 3 represented by a private attorney because the -- the 4 case they have might be a new matter that's totally 5 different than the kind of matter that they have or 6 much more serious than -- the private attorney may 7 have been representing them on a misdemeanor case, and 8 now, they're charged with multiple felony charges or 9 something like that, they're not going to be able to 10 hire that attorney to represent them in that case. I 11 mean, we -- we have situations like that occur. 12 We -- I'm trying to think if there's anything else I 13 could add to it one way or another. 14 Q. Well, that -- that's an interesting point, 15 that, if I'm understanding you correctly, a particular 16 criminal defendant may become eligible if there are 17 two or three other cases or maybe one other case that 18 they have where they're spending resources on that, 19 and they may not be able to afford representation in 20 the current case, the case in chief that they're 21 applying for the public for; is that -- am I correct 22 in understanding that situation? 23 A. Well -- well, let me -- I -- let me clarify 24 what that is. And, first of all, it's not the norm 25 that we have happen. I mean, generally, if people are</p>

1 represented by someone, oftentimes, they're trying to
2 talk to that same attorney to represent them in
3 relation to something else they have.

4 The far more common occurrence, frankly, is
5 just the reverse. What happens is not that we're
6 representing them on one case, and the private
7 attorney is representing them on, you know, one or two
8 other cases. What happens is they get charged in a
9 different case, the private attorney then bails on
10 that case, thereby dumping all of the cases in what
11 would be our direction. And at that point, given the
12 nature of the case that they may have, they may be in
13 custody at that point, so now, they're in jail, they
14 don't have a job, they don't -- they've lost the job
15 maybe that they had, and so they're -- at that point,
16 they are indigent, because they've lost their job, and
17 they're in jail, so that -- I mean, it becomes that
18 kind of circumstance. We don't generally have
19 circumstances where people are -- are doing the
20 reverse.

21 **Q. Am I correct in understanding your**
22 **testimony currently is that there's no independent**
23 **control or -- or check on whether someone is indigent**
24 **or not; but your testimony is suggesting that you**
25 **don't have people who are applying who have**

1 that person.

2 I have -- and I've always told the people
3 in my office, and I think everybody in my office has
4 always operated with the -- if they're concerned or
5 suspicious of something, it's like, you know, there --
6 this guy has applied, but, you know, there's something
7 about, you know, the circumstance, you know, people in
8 my office will come to me, and it's like, yeah. Go
9 ahead and, you know, do what you need to do to look at
10 it, you know, try to check it out, see if there's, you
11 know, something else going on that we need to know
12 about. It's just my experience that we don't have --
13 we don't have a flood of -- of people coming to us in
14 order -- let's put it this way: I don't have a bunch
15 of people filling out applications in order to be put
16 on a waiting list.

17 **Q. And speaking about that waiting list -- and**
18 **this will jump around a bit. Is there a legal**
19 **justification for that, or is that a mechanism that**
20 **was, I guess, discerned or thought up by particular**
21 **district defenders?**

22 A. Well, when you say, "a legal
23 justification," I -- my justification is I have
24 ethical rules that I have to comply with as an
25 attorney, and that I'm supposed to require my

1 **significantly more resources than -- that would make**
2 **them ineligible? Am I understanding that correctly?**
3 **I know that was a convoluted way of articulating that,**
4 **and I can break it up if necessary.**

5 A. Well, I think I understand the question
6 that you're trying to ask. I don't believe that our
7 office is approving individuals on a routine basis
8 that wouldn't otherwise qualify as indigent, and I
9 think that we do the things that we can do to try to
10 screen people. They fill out the applications. As
11 part of our intake process, we have a separate sheet
12 that we use that asks about bonding information, where
13 they're going to be living, phone numbers, type -- you
14 know, job, their prior record, other kinds of things,
15 mental health status, stuff like that. Those are
16 things that, when you start asking those things, they
17 will give you more of an indication of the indigence
18 of that individual, because you will find out that
19 they don't have a place to stay or that the place that
20 they're staying at is their cousin's trailer, they
21 don't have a driver's license, they're currently on
22 probation, they currently have other kinds of things
23 going on that you will find that that tells you the
24 other information that you would -- that you would
25 need to have in relation to that -- in relation to

1 attorneys to comply with. And so as a practical
2 matter, it's just -- it's kind of the reality of what
3 happens. People apply to us. They are indigent. I'm
4 going to tell the Court they're indigent. I'm also
5 going to tell the Court, as I have, "I'm not assigning
6 an attorney to represent this individual because I
7 don't have anyone that I think is available to be able
8 do it because their caseloads are already too large as
9 it is."

10 As a matter of function, it creates what
11 amounts to a waiting list. And we have explained that
12 to clients, and we've explained it to families who
13 are, you know, frustrated and don't know what that
14 means. And that's usually the first thing they ask,
15 is, "Well, what does that mean?" Well, it means
16 you're going to have to wait until I have someone that
17 I think is available to be able to represent your kid
18 or your husband or your boyfriend or your daughter in
19 a manner that they deserve to be represented.

20 **Q. Am I correct in recalling that you**
21 **said you -- coming -- this upcoming January will be**
22 **20 years in the Missouri public defender system?**

23 A. 22.

24 **Q. 22. I apologize.**

25 A. That's okay.

1 **Q. In those almost 22 years, has there ever**
 2 **been another time where these wait lists have been**
 3 **utilized, or is that a pure function of the Hinkebein**
 4 **decision and the aftereffects of that?**

5 A. I'm trying to remember from when we had --
 6 there was caseload litigation that went on in the
 7 Waters decision, and -- but -- I'm trying to remember
 8 whether there was specifically -- we had a
 9 functionality to be able to do that, but that was
 10 specifically -- it had to do with certification of
 11 offices as the overall office. I -- I'm not -- I -- I
 12 don't have any kind of certification in relation to my
 13 overall office or saying, you know, my office, itself,
 14 is like, on some certification list or something like
 15 that. I've basically told the judges that I have this
 16 number of attorneys in my office, they have these
 17 number of cases that have been assigned to them over
 18 the last number of months and currently in the course
 19 of their representation that I consider them not
 20 available, and I'm not going to assign cases to them.

21 **Q. I'll circle back to that in just a bit, or**
 22 **maybe I won't depending on if this ends shortly.**

23 **Moving towards depositions and discovery --**

24 A. Uh-huh.

25 **Q. -- your testimony, was it that you had**

1 A. I've never been denied one that I have
 2 asked for.

3 **Q. And you have never denied one to someone**
 4 **you were supervising, or in your -- or at your point**
 5 **in the process, you haven't denied anyone that?**

6 A. Right. That they've come and asked for
 7 me -- for one or, in essence, filled out the
 8 electronic process, that's correct. I'm not -- again,
 9 the only reason denial-wise usually has been something
 10 in relation to, from the mechanics of it, what they
 11 needed to clarify better in the -- in the request, not
 12 the general nature of a request, itself.

13 **Q. And is there any limitation on how much --**
 14 **how much a particular expert can cost? Is there any**
 15 **particular policy in your district that you establish**
 16 **or one that you know of?**

17 A. I don't have a -- I don't have a particular
 18 policy. The request in relation to funding is
 19 particular to the type of expert you're hiring, what
 20 you're hiring them for. They have to indicate -- one
 21 of the things that attorneys have to do is indicate a
 22 per-hour cost; and generally, the indication is
 23 usually something that -- that quantifies how you're
 24 going to get to that cost.

25 I've been a -- I've been doing these for a

1 **never personally been denied a request for a**
 2 **deposition in terms of funds or the availability?**

3 A. As far as funding?

4 **Q. Uh-huh.**

5 A. Yeah. I don't -- I don't think that -- I
 6 mean, I don't recall times where requests from the
 7 funding mechanism have been denied, other than just to
 8 try to clarify something, but not as an overall denial
 9 of, no, you're not going to get the ability to be able
 10 to do it.

11 **Q. And you also testified that you have**
 12 **never -- pardon me. You have never denied a request**
 13 **from those who are -- who you supervise for a**
 14 **deposition?**

15 A. Right. Other -- other than the --

16 **Q. Aside from clarification?**

17 A. Right. Other than the clarification
 18 aspect, that's correct.

19 MR. RAMSEY: Do we need to end?

20 MR. WILLIAMSON: Five minutes.

21 MR. RAMSEY: Five minutes. Okay.

22 **Q. (By Mr. Ramsey) And the same for experts**
 23 **in terms of, you have never been denied funds or**
 24 **denied the ability to use an expert that you thought**
 25 **was necessary in a case?**

1 long time, so for example, if I had somebody make a
 2 request that said, I need \$50,000 in order to hire an
 3 expert to determine whether somebody's competent, that
 4 isn't going to happen, because I know that I don't
 5 need to approve that kind of money to get that to
 6 happen. That's -- it -- it would be an extremely out
 7 of the ordinary, ridiculous kind of request that I
 8 know would not be within the realm of what we would
 9 normally need for someone to be able to -- to get that
 10 done, the number of hours it would require, the kind
 11 of time frame. Even if we -- and -- and for
 12 example -- and it's usually amount a lot of mental
 13 health experts that we have. But for example, if
 14 someone has a long mental health history, and that --
 15 and that expert is going have to go through lots of
 16 mental health records, they're going to have to review
 17 lots of records in order to be able to ultimately
 18 reach the kind of assessment that they need to be able
 19 to reach and have the opinion that they're going to
 20 need to be able to have in -- in a case, you might
 21 request more money for that individual, but that would
 22 be any individual, based on being able to do that kind
 23 of request. But for example, that kind of request
 24 is -- is -- is still not going to be something that I
 25 wouldn't recognize as something that -- that you go,

<p style="text-align: right;">Page 113</p> <p>1 that's within the well -- realm of what this person or</p> <p>2 anybody would be doing in relation to that kind of --</p> <p>3 that kind of evaluation.</p> <p>4 Q. Do you maintain a list of experts that can</p> <p>5 be utilized for your assistant public defenders, or</p> <p>6 are they expected to kind of do their own research and</p> <p>7 bring that to you?</p> <p>8 A. There are -- well, there are certainly</p> <p>9 people that we have -- there are people that have been</p> <p>10 used before for various kinds of expertise, and so</p> <p>11 oftentimes, individuals, if they're -- it they're</p> <p>12 wanting to have, for example, a basic competency</p> <p>13 evaluation done on someone, you might look at a given</p> <p>14 area of the state and say, well, here's, you know,</p> <p>15 people that have been used in relation to that</p> <p>16 circumstance. But, you know, there might be a</p> <p>17 different circumstance that would be a -- a different</p> <p>18 kind of expert that maybe you haven't had to deal with</p> <p>19 before or haven't had to look at before. Sometimes</p> <p>20 you're contacting other offices. Sometimes you're</p> <p>21 contacting an office, for example, a capital unit or</p> <p>22 something like that, which tends to have made use of</p> <p>23 a -- a number of different experts in different --</p> <p>24 differing circumstances. They might know who some of</p> <p>25 those people are or be able to refer you to someone</p>	<p style="text-align: right;">Page 115</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, Emily S. Hughes, a Certified Court</p> <p>4 Reporter within and for the State of Missouri, do</p> <p>5 hereby certify that the witness whose testimony</p> <p>6 appears in the foregoing deposition was duly sworn by</p> <p>7 me; that the testimony of said witness was taken by me</p> <p>8 to the best of my ability and thereafter reduced to</p> <p>9 typewriting under my direction; that I am neither</p> <p>10 counsel for, related to, nor employed by any of the</p> <p>11 parties to the action in which this deposition was</p> <p>12 taken, and further that I am not a relative or</p> <p>13 employee of any attorney or counsel employed by the</p> <p>14 parties thereto, nor financially or otherwise</p> <p>15 interested in the outcome of the action.</p> <p>16</p> <p>17 _____</p> <p>18 Emily S. Hughes, RPR, CRR, CCR #1353</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 114</p> <p>1 for a particular type of -- of request.</p> <p>2 My concern, which I expressed earlier, is</p> <p>3 that oftentimes, I -- I think people don't know --</p> <p>4 they wouldn't even know what they would need to look</p> <p>5 for because they're -- they don't have the time to be</p> <p>6 able to assess -- even assess that.</p> <p>7 MR. WILLIAMSON: Can we go off the record?</p> <p>8 VIDEOGRAPHER: Off the record 5:34 p.m.</p> <p>9 (Off the record.)</p> <p>10 (Deposition suspended at 5:34 p.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 116</p> <p>1 Alaris Litigation Services</p> <p>2 1608 Locust Street</p> <p>3 Kansas City, Missouri 64108</p> <p>4</p> <p>5 December 19, 2017</p> <p>6 Ms. Jacqueline Shipma</p> <p>7 MISSOURI STATE PUBLIC DEFENDER'S OFFICE</p> <p>8 1000 West Nifong</p> <p>9 Building 7, Suite 100</p> <p>10 Columbia, Missouri 65203</p> <p>11 In Re: SHONDEL CHURCH, et al., v.</p> <p>12 STATE OF MISSOURI, et al.</p> <p>13</p> <p>14 Dear Ms. Shipma:</p> <p>15</p> <p>16 Please find enclosed your copy of the deposition of</p> <p>17 JEFFREY MARTIN, Volume I, taken on December 5, 2017,</p> <p>18 in the above-referenced case. Also enclosed is the</p> <p>19 original signature page and errata sheet.</p> <p>20 Please have the witness read your copy of the</p> <p>21 transcript, indicate any changes and/or corrections</p> <p>22 desired on the errata sheet, and sign the signature</p> <p>23 page before a notary public.</p> <p>24</p> <p>25 Please return the errata sheet and notarized signature</p> <p>page to Alaris Litigation Services for filing prior to</p> <p>trial date.</p> <p>Thank you for your attention to this matter.</p> <p>Sincerely,</p> <p>Emily S. Hughes, RPR, CRR, MO CCR #1353</p> <p>Enclosures</p> <p>cc: Mr. Jason D. Williamson</p>

29 (Pages 113 to 116)

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

Case 2:17-cv-04057-NKL Document 160-11 Filed 02/21/18 Page 30 of 52

<p style="text-align: right;">Page 117</p> <p>1 STATE OF) 2) 3 COUNTY OF) 4 5 I, JEFFREY MARTIN, do hereby certify: 6 That I have read the foregoing deposition; 7 That I have made such changes in form and/or 8 substance to the within deposition as might be 9 necessary to render the same true and correct; 10 That having made such changes thereon, I hereby 11 subscribe my name to the deposition. 12 I declare under penalty of perjury that the 13 foregoing is true and correct. 14 15 16 17 18 JEFFREY MARTIN 19 Executed this day of , 20 2017, at . 21 22 Notary Public: 23 My Commission Expires: 24 25 Signature page to: Ms. Jacqueline Shipma</p>	
<p style="text-align: right;">Page 118</p> <p>1 WITNESS ERRATA SHEET 2 Witness Name: JEFFREY MARTIN, Volume I 3 Case Name: SHONDEL CHURCH, et al., v. 4 STATE OF MISSOURI, et al. 5 Date Taken: DECEMBER 5, 2017 6 7 Page # _____ Line # _____ 8 Should Read: _____ 9 Reason for Change: _____ 10 11 Page # _____ Line # _____ 12 Should Read: _____ 13 Reason for Change: _____ 14 15 Page # _____ Line # _____ 16 Should Read: _____ 17 Reason for Change: _____ 18 19 Page # _____ Line # _____ 20 Should Read: _____ 21 Reason for Change: _____ 22 23 Page # _____ Line # _____ 24 Should Read: _____ 25 Reason for Change: _____ 26 27 Witness Signature: _____</p>	

30 (Pages 117 to 118)

A				
abilities 7:1	above-refere ... 116:13	advocate 55:23	42:16	applied 107:6
ability 20:20	absolutely 42:2	afford 104:19	answering 27:12	apply 20:14
21:14,16 58:14	79:10	aftereffects 109:4	answers 13:19	108:3
90:11 101:13	accept 14:15	afternoon 6:12	anticipate 8:1	applying 103:20 104:21
102:17 110:9	accepted 16:6	6:13 84:3	anybody 58:20	105:25
110:24 115:8	account 32:19	96:13	64:24 66:2	appoint 71:8,9
able 14:8 17:19	accounts 17:6	age 6:8	88:13 90:2	78:8
19:13,21 21:5	ACLU 4:4 5:25	aggravators 35:5	94:21 113:2	appointed 59:24 71:19
21:17 22:22	acquire 101:14	ago 70:7 91:17	anybody's 87:9	76:22
22:22,23	action 36:1,1,12	95:19	anyway 88:15	appointing 67:18
23:8,9,17 24:2	115:11,15	agree 81:5	APD 10:3,6,6,12	appointment 58:25
24:15,16,16,17	active 89:23	agreed 5:1 75:8	10:13,15,17	appropriate 86:25
26:6,21 27:3,8	98:21 102:17	81:2	apologize 73:24 108:24	approve 41:15
27:9,15,18	actively 29:7	ahead 37:14	appear 84:17	41:16,22 71:3
28:12,15,18,20	35:21 57:10	72:12 78:17	98:23 102:23	71:4 73:14
28:22 32:2,12	67:2 95:11	80:20 107:9	appearance 52:17,19,21	87:7 112:5
32:24 35:17	100:2	al 1:3,6 3:3,6,17	53:2,19 54:6	approved 47:15
36:11,15,19	actual 30:24	3:18 5:14,14	55:9,21 59:25	73:15 87:10,12
37:10,12,14,25	53:20 68:10	116:10,10 118:2	61:8	approving 86:15 106:7
38:4 40:4,21	78:24 87:8	118:2	appearances 57:22	approximately 79:5
41:22 49:4	ad 56:24	Alan 4:10 6:1	appeared 54:1	area 9:12 10:17
53:9,15 54:12	add 33:19,19	96:15	54:2 56:12	11:8,9,16,17,18
54:13 56:8,13	104:13	Alaris 4:22 5:21	76:23	55:3 94:17
56:16 57:10	added 34:7	116:1,18	appearing 4:3,8	97:13 113:14
57:20,23,25	49:16 82:14	allow 81:4	4:14 52:25	areas 31:1,4,6,17
58:3,14,18,22	addition 40:22	allows 100:4	53:24	32:4 57:19
61:9 63:3 65:7	additional 12:9	alter 55:20	appears 44:11	93:8 99:12
65:8,18 68:5	12:13 14:5	altogether 67:8	115:6	argue 58:3
69:10 74:13	adequate 33:15	amenable 59:6	applicant 102:8	argument 56:24 57:5
74:20 75:9	adequately 33:16 96:2	American 3:11	applicants 16:19	arguments 56:16 63:22
77:18,20	adjust 23:5 52:1	5:18	16:21	arises 95:6
85:16,17,20	administration 41:7	amount 55:20	application 53:15 54:13	arraign 52:21
86:18 87:1,12	administrative 2:9 40:24 41:1	71:15 83:24	54:23 56:10	arraignment 54:3
87:25 88:4,15	41:6 42:1,4,17	88:16 112:12	61:3 69:6	arranged 67:25
89:10 90:8,12	43:12 44:10	amounts 108:11	73:14 93:14	arrested 52:7
91:2,9,10,13,18	70:11,15 72:21	and/or 37:3	99:23 100:13	52:13,14
94:3 98:10	73:7,18 74:2	116:15 117:7	103:2	53:25
99:13 101:13	74:18 75:24	animal 70:14	applications 67:12 69:6	
101:23 102:1,4	78:13 79:25	answer 6:25	99:18 100:9	
102:24 103:13	adults 95:7	7:7,19,25 8:3	102:8,22	
104:9,19 108:7	advised 76:24	29:2 43:14,17	106:10 107:15	
108:17 109:9	77:1	45:10 99:17		
110:9 112:9,17	advising 73:15	102:19,19		
112:18,20,22		answered 22:10,10 25:17		
113:25 114:6				

arriving 12:3	36:6 41:10	105:7,9	83:21	65:19 66:18,19
articulating 106:3	42:8,9 43:16	107:25 108:6	aware 81:10	67:6 70:15
Aside 110:16	43:24 44:3,10	115:13		71:1 73:11 74:17
asked 15:10	44:15,22 45:6	attorneys 5:22	B	75:1,19 76:5
48:15 78:9,10	54:11 100:8,13	6:15 12:18	B 2:7 19:2 21:1	76:12,16,18
80:21 111:2,6	113:5	13:12,16 14:1	40:10,16 98:13	79:25 87:10,17
asking 14:25	assistants 13:21	17:10,14,16,16	98:13,13	88:14 91:18
87:5 89:1	37:25 42:6,20	17:24,25 18:4	B's 45:1	92:25 95:21
102:13,21	53:8 54:20	18:11,14 19:11	babies 39:6	100:8 109:15
106:16	56:7 99:12,13	20:1,8,19 22:6	back 24:17	basis 28:25
asks 106:12	100:1	23:2,12,19	25:18 42:3	29:3 47:17
aspect 110:18	associate	24:8 28:4,5,6	44:4 46:25	51:3 62:20
aspects 21:6	53:23,23 73:9	28:25 29:4,7	50:4,14 55:5	69:7 83:15
22:25 28:23	75:16	29:16 32:3	59:18 63:8	94:9 101:15
81:3	assume 23:11	33:5,20 35:9	65:25 68:3	106:7
assess 32:17	30:16	35:12 36:18,19	74:19,19,25	Bates 11:13
65:9 114:6,6	assuming 39:3	37:1,21 38:8	78:2 84:19	33:10,12 49:11
assessing 72:7	39:9	38:12,18,25	99:17,24	51:14 55:15
assessment	attached 2:11	39:10,13,19,20	109:21	75:16 97:7
112:18	attempt 53:14	42:21 43:5	backed 88:16	becoming 9:21
asset 103:8	attempted 53:9	46:19 47:10	bail 55:4	9:25
assign 26:21	attention 116:19	60:21 61:21,25	bailing 60:23	bee 18:2
35:17 36:2	attorney 4:10	62:8,20 63:10	bails 105:9	beginning 10:10
40:3 64:19	7:5 11:1 12:20	63:19 64:4,16	ballpark 43:13	95:23
67:17 71:12	13:23 14:5	64:22 65:14	bankruptcy 11:6	behalf 1:14 3:19
72:19,19 73:1	17:2,12,18,23	66:9 68:14	bar 14:12 16:1,2	6:8
95:4 109:20	18:7,16,17	70:17,22 73:7	16:4,12 66:25	believe 9:16
assignable 71:8	20:2,6 24:22	74:13 75:1,7,10	70:18 81:22	14:10 15:24
assigned 11:25	25:20,21	75:22,25 78:2	82:7 97:8,14	64:6 85:20
26:17,18,23	26:21 33:3,7,8	78:6 82:2,10	97:17	89:7 106:6
39:11,12 45:17	33:21 34:16	83:3,9 85:14	base 8:9	benchmark
45:18,25	36:2 38:19,23	85:15,16,20	based 13:2	101:4
46:12 48:15	39:13,14 40:1,1	86:6,11 89:7	21:12 55:14	benefit 7:14
53:17 56:4	40:2,6,7,9,11	89:20,23,24	64:8,8,9 71:15	18:17 49:16
71:14 109:17	40:14,16 43:8	92:23 95:4	72:14 76:13	benefits 100:22
assigning 39:10	43:12 44:24	96:2,8 97:5	93:17 112:22	100:25 101:1,5
46:10 70:20	59:8 60:14,14	100:7,9 108:1	bases 85:21	best 6:25 8:2
73:5 75:22	62:1 63:1,7,23	109:16 111:21	basic 68:24	19:23,24 32:3
76:2 77:2,4,5	64:16 67:17	attorneys' 32:15	113:12	43:14 57:25
78:6 108:5	68:4,6 71:8,10	authority 55:19	basically 11:15	83:19 101:16
assigns 72:20	71:12,13,14,18	availability	16:20 20:23	115:8
assist 38:5	71:19 72:20	110:2	24:19 28:9	bet 90:18
assistance	73:2 75:20	available 28:12	33:3 41:8	better 19:11
34:12 102:10	77:3,5 89:22	89:12 108:7,17	42:14 45:6	24:15 32:6,6
assistant 9:20	91:4 92:7	109:20	47:18,24	36:19,20
10:1 13:18 30:3	100:14 104:1,3	average 15:15	50:25 56:23	56:13 70:16
	104:6,10 105:2	17:2,4 47:4	57:4 64:2	80:4 86:4,10

111:11	52:16 113:7	48:1 52:23	11:22,24,25	51:17 53:22
beyond 33:8	bringing 44:3	56:4 57:7	12:2,6,10,14,17	70:6,12 73:8
big 19:3 36:17	Broad 4:5	58:19,20	12:19,21,23	73:10 75:3
88:7,8	brought 54:5	60:22,23	13:9 21:6	77:11 79:22
billing 42:19	96:22	62:12,14 71:12	22:24 23:18	95:19 97:12
bit 14:17 22:1	budgets 13:3	71:20 72:14	23:21 24:4,13	category 93:6
28:8 74:21,24	building 4:16	72:22,24,25	25:3,6,22,25	cause 3:15 55:11
76:7 84:9	31:8 116:8	76:20,22 77:3	25:25 26:1,8	cc 116:23
97:12 99:7	built-in 37:11,12	77:6,19 83:5,11	26:8,12,16	CCR 4:21 5:4
107:18 109:21	bunch 9:2 62:11	83:21 84:7,19	27:25 28:11	115:18 116:22
blanket 76:18	88:8 92:15	84:25 85:1,9	33:4,4,5,10,11	Cedar 49:12
blessed 18:11	107:14	87:18,21 88:10	34:1,14,18	Centerview
body 7:21	busy 33:21	88:21,24,25	35:20,24	50:24
bond 31:22		89:4,9 90:11	36:22 39:10,11	Central 1:2 3:2
47:22 54:25	C	91:14,21,22,24	39:16,21,24	5:16
55:7,9,10,12	C 4:1 25:4,9,12	91:25 92:7	40:2,3,8,8,10	certain 3:15
55:17,20 56:11	25:15 55:15,16	95:20,22	40:16,20	19:6 21:6 28:11
56:14,16,24	98:14,14	98:8,12,14,14	44:25 45:15	31:18 32:10
57:5 58:3,5,9	call 27:5 66:24	98:18 99:2,5	45:15,18,25	92:15
58:17 59:7	69:8	99:23 100:3	46:2,7,8,12	certainly 13:5
60:13 62:13	called 36:1 41:18	101:18,22	47:2 58:12	28:10 54:18
70:24 71:6,7,7	44:24 45:2	103:9 104:4,7	64:19,20,22	113:8
71:16 101:21	78:3	104:10,17,20	65:5 70:20	CERTIFICATE
103:13	calling 22:8	104:20 105:6	70:25 72:5,18	115:1
bonding 100:5	58:10	105:9,10,12	72:19 73:5,6,6	certification
106:12	capacity 9:19	110:25 112:20	75:5,6,9,21	109:10,12,14
bonds 55:18	capital 34:5,10	116:13 118:2	76:2,14,17,24	Certified 3:14
103:12	34:13,20,21	caseload 12:19	77:4,7 78:6,9	115:3
borderline	113:21	15:10,11,14,19	80:19 83:20	certify 115:5
101:19	care 20:11 59:10	22:18,19 23:1	84:23,25	117:5
bother 21:3	59:10,11 75:24	23:2,4,6 24:12	86:24 90:14	certifying 95:7
bottom 67:5	carve 39:1	25:2,8 26:14	90:17 91:5,6,8	cetera 102:10
Box 4:11	case 1:5 3:5	26:18,23	91:22 92:15,16	chair 27:24
boyfriend	5:14 6:15,21	32:20,21 33:3	94:7,16 95:1,5	28:13
108:18	6:24 13:8 19:7	33:23 35:16	95:7,13 96:20	chairing 28:21
boys 51:24	21:17 26:14,15	40:15 44:4	97:24 98:4,17	chairs 46:15
brand 17:22	26:17 29:9	48:15,16,17,19	98:20,21,21	chance 90:13
bread 25:14	31:20,24	48:25 63:20	98:22,24	change 27:14
break 38:12	33:25 34:5,8	64:10 65:16,18	102:2,6 104:17	33:24 118:5,8
98:15 106:4	34:9,13,17,20	65:23,25 66:1	105:8,10	118:14,18,22
breakdown	34:21 35:5,25	67:9 70:8	109:17,20	changes 92:4
30:25 97:18	36:10,13	80:25 95:6	cash 70:23 71:7	97:22 116:15
breaking 98:12	39:22,23	97:4,18,19	103:11,13	117:7,9
brief 82:25	40:11 43:19	109:6	Cass 11:11 24:15	Chapter 75:16
92:20	44:23 45:1	caseloads 82:3	25:8 26:13	76:22 78:11,17
bright 30:8	46:9,10 47:3	108:8	39:16,18,20	78:21 79:12
bring 49:9	47:13,15,24	cases 11:14,19	40:12,17 51:15	charge 54:4

55:15,16 57:2 95:17,18 charged 57:6 98:12 104:8 105:8 charges 52:21 53:25 98:1 104:8 check 105:23 107:10 checking 16:15 chief 104:20 Children's 85:5 Church 1:3 3:3 3:17 5:13 116:10 118:2 circle 109:21 circuit 11:10,12 70:5,6,9 73:20 74:9,12 75:13,14 77:1 circuits 11:10,10 70:5 95:3 circumstance 105:18 107:7 113:16,17 circumstances 7:6 105:19 113:24 cite 66:3 citizen 93:2,2 City 3:13 4:12 4:23 11:16 12:2 116:3 Civil 3:11 5:18 Clair 11:13 26:25 48:16,25 49:1 49:5,10,18,24 49:25 50:13 51:13 76:3 97:2,3 clarification 110:16,17 clarified 87:7 89:16 clarify 87:5 104:23 110:8	111:11 class 24:13 25:6 classification 25:13 Clay 12:21 13:10 25:23 62:10 62:17 94:11 clear 79:11 clearer 89:15 clearly 7:16 clerk 42:12,12 client 20:25 21:5 31:7,7,8 31:21,25 33:15 36:14 44:11,13 44:13 45:1,1 47:12,24 56:3 56:11,25 57:3 58:2 59:13 60:8 61:14,20 62:12 69:5 73:13 84:5,9 92:24 93:17 98:17,18,19 99:14 client's 31:20 61:10,13 76:19 clients 19:10 20:21 21:2,3 21:15 22:23 31:9 32:10,10 32:22,22 33:14 37:13 42:22 43:7,7 47:7,10,21,22 48:23,24,25 49:2,6 59:19 60:8,21 71:2 76:6 83:4 84:11 93:6 96:3 100:11 108:12 Clinton 34:2 49:20,21 close 52:14 72:24 99:2	closed 98:20 closer 49:20 52:3 97:19 clue 35:12 codefendants 11:20 collect 72:25 collected 72:9 Collins 70:10 74:7,19 78:9,11 79:19 81:17 Columbia 4:17 116:9 come 12:4 16:2 24:17 37:5 46:11 49:18,25 64:3 65:15,25 67:8 68:12 71:17 94:16 97:22 107:8 111:6 comes 41:9 comfortable 97:15,21 coming 8:1,15 10:21,24 37:5 65:17 95:1 102:21 107:13 108:21 commenced 5:9 Commission 117:19 common 105:4 communicate 83:4 communication 60:21 comparable 23:7 compare 23:1 competency 86:19 113:12 competent 112:3 complains 58:16	complaint 55:12 55:13 66:25 complicated 82:14 comply 107:24 108:1 computer 41:19 concept 61:23 concern 15:6 114:2 concerned 51:18 107:4 concerns 15:4 68:21 conducting 30:17 conference 75:15 78:22 79:13,15,17,20 80:9 81:8 conflict 11:14,19 11:20,22,24 11:25 12:1,6,10 12:14,17,17,19 13:9 25:22 46:8,12 62:9 94:9,12 conflicts 12:3 39:15 conjunction 65:17 consequences 92:24 93:17 consider 32:15 43:6,7 47:20 109:19 considered 98:24 consistently 48:11 consists 25:2 constantly 27:2 constitute 31:17 Constitution 58:13 constructive 21:22	consult 89:8 93:20,24 contact 31:8 32:21,22 47:7 48:7 72:11 94:3 95:13 contacted 78:3 95:21 contacting 22:8 68:18 113:20 113:21 context 6:21 15:25 23:16 26:11 continuance 88:22 continue 13:1 continued 48:4 65:24 contracted 12:5 contracting 12:6 control 24:16 33:9,10 49:23 105:23 controls 33:11 converse 18:12 convoluted 106:3 cooperate 85:6 cooperation 81:23 82:9,11 coordinate 45:5 copies 73:24 copy 77:23 116:12,15 corner 88:17 correct 9:8 16:4 23:13 35:7,8 42:9 52:8 55:8,24,25 63:14 74:6,9 79:14 85:17 96:8,9 104:21 105:21 108:20 110:18 111:8
---	--	--	---	--

117:8,10 corrections 116:15 correctly 104:15 106:2 cost 111:14,22 111:24 counsel 5:2,2 62:14 93:25 102:24 115:10 115:13 count 26:1 34:8 57:7 101:10 counties 11:7,14 18:23 21:10 39:17,18 52:19 54:19,19 55:14 77:13 81:22 96:20 100:7 county 11:11,11,12 11:13,13 12:21 12:21,22 13:9 13:10,10 24:14 24:15 25:8,22 25:23 26:13 26:23,24,25 33:10,12,22 33:25 39:12 39:14,16,18,18 39:19,20 40:6 40:10,12,17 43:15 44:2,21 48:16,18,20 48:20,25 49:1 49:5,11,11,11,11 49:12,17,18,19 49:20,23,24 49:25 50:1,10 50:13,18,19,20 50:20,25 51:2 51:3,13,14,16 51:17,20 52:13 53:22 55:15 58:15 62:10,17 70:6,6,12,13 73:8,9,10 75:3 75:16 76:3,3,4	77:11 79:21,22 80:22 82:15 94:10,11 95:19 97:2,3,7,7,11 97:12 98:11 117:3 couple 27:7 30:3 36:8 38:14 47:6 48:1 52:4 77:19 90:25 100:6,6 course 6:20 20:14 45:16 66:17 94:8 109:18 court 1:1 3:1,14 3:16 4:21 5:16 6:5 7:3,14 8:23 11:5 21:12 21:12,18,23,24 21:24 22:22 24:17,18 29:5 29:6 30:1 38:20,22 43:20,21,25 43:25 44:11,11 48:18 52:7,15 52:23,24 53:14,16,17,20 53:22 54:4,6 54:9,10,22,24 55:7,8 56:12 59:5 60:7,15 67:10,13,17 68:5 69:4 71:10,13 72:6 72:20 73:4,16 73:17 74:13 75:23 76:1,19 76:23,25 80:10,18 82:19 82:23 84:16 88:20 95:12 95:14 98:23 99:19 100:10 100:11 102:21	103:12 108:4,5 115:3 Court's 52:24 56:20 courthouse 18:25 103:1 Courts 22:13 31:12 61:11,12 68:18 95:3 cousin's 106:20 cover 12:10 18:19 21:24 85:20 coverage 11:9 covering 20:24 covers 11:14 18:22 crap 87:24 create 60:8 created 76:18 creates 20:22 21:8,10 37:23 49:13 108:10 credibility 89:2 criminal 6:21 10:25 11:5 17:16 96:20 96:25 97:4,25 98:5 104:16 criteria 16:19 30:22 CRR 4:21 5:4 115:18 116:22 current 9:9 23:12 51:12 104:20 currently 12:1 33:25 34:16 48:13 49:1 50:16,18 51:2 52:6 77:9,13 78:23 98:18 98:19 104:1 105:22 106:21 106:22 109:18 custody 60:12 60:13 79:6,8	79:10 105:13 cycle 89:4 <hr/> D D 2:1 4:4 25:4,9 25:12,15 98:14 98:14 116:23 daily 29:3 69:6 database 45:22 98:9 date 5:11 52:15 52:23 53:14 53:16,17,19,20 54:4,9,10,22 116:18 118:3 dates 21:18 43:20,21 44:1 59:5 84:16 daughter 108:18 day 15:15,20 21:21,23 24:20 30:12 33:1,1,1 34:8 49:7,8 52:18 56:12,22 57:8 63:11 65:2,5 67:8 117:14 day-to-day 22:2 days 19:24 21:12,18,21 24:20 27:8 32:23,23 45:24 47:13,16 47:18 48:7,9 48:18 66:22 deadbeat 61:1 deal 19:3 22:23 27:4,4,9,10 34:16 36:10 37:13 38:20 38:22 56:21 58:5,10 61:12 100:4 113:18 dealing 22:7,12 31:7 75:1,11 84:12	deals 34:14 dealt 75:3 Dear 116:11 death 34:2 35:5 decades 47:6 December 1:15 3:10 5:11 116:4 116:13 118:3 decides 49:18 49:25 decipher 93:16 decision 14:18 63:14,17,17,18 64:21 66:10 67:22,23 68:1 109:4,7 decisions 14:19 declare 117:10 decline 103:14 103:16,16,24 declined 14:14 14:14 16:10 defendant 97:25 98:5 104:16 defendants 1:7 3:7,18 4:14 5:3 6:4 52:6 69:25 79:4 defender 6:4 9:10,12,14,15 9:16,21,22,25 10:1,2,14,15 22:2 30:4 70:8 71:24 108:22 defender's 4:15 6:20 12:9 15:5 29:23 65:6 67:19 71:25 76:21 77:4 116:7 defenders 107:21 113:5 defense 10:25 17:16 82:10 97:5,7,14,17
---	---	--	--	--

definitely 79:9	description 2:8	disability 101:2	83:17 89:23	101:1
degree 28:19	45:11	discerned	90:9,9 92:8	elect 41:3
degrees 66:11	deserve 108:19	107:20	92:10 105:19	electric 41:3
delegators	designated	discovery 31:9	111:25 113:2	electronic 41:4
36:20	13:23 42:12	36:13 83:22	dramatically	111:8
demonstrate	designation	92:11 109:23	44:5	eligible 100:16
28:18	10:6 42:11	discussing	drive 50:2,10	104:16
demonstrating	desired 116:16	31:21	51:20	Emily 3:13 4:21
28:16	determination	discussion	driver's 84:13	5:4,19 115:3,18
denial 110:8	99:8 101:12	84:10	106:21	116:22
denial-wise	determine 98:3	dismiss 92:3	drug 55:16 57:1	employ 86:11
111:9	112:3	dispose 99:22	58:19 83:21	employable
denied 87:9	determined	district 1:1,1 3:1,1	98:13	67:7
110:1,7,12,23	100:24	3:16,17 5:15,16	duly 115:6	employed 101:6
110:24 111:1,3,5	determining	9:12,13,15,16	dump 23:18	101:6,7 115:10
deny 59:15,15	36:22 93:1	9:21,25 10:2	dumping 105:10	115:13
79:2	develop 32:12	10:14,15 22:2	duties 22:5	employee
dependents	developed	99:11 107:21	duty 64:18	115:13
101:9	70:11,17	111:15		employer 9:9
depending	developing 21:4	divide 39:21,23	E	57:11
109:22	74:15	40:4	E 2:1,7 4:1,1 25:5	enclosed 116:12
depends 19:24	devote 85:11,12	divided 40:15	25:11,12,13	116:13
43:15 52:12,13	devoting 85:9	division 1:2 3:2	98:14,14	Enclosures
56:19 60:5,5	DFS 85:3	5:17 31:15	e-mail 77:23	116:23
89:22	differences	DOC 61:15	e-mailing 99:20	encourage 37:1
depose 85:2	18:14 45:12	99:21	e-mails 8:22	89:11
deposed 6:16	different 26:2	docket 18:19	earlier 48:15	encouraged
deposes 6:9	30:25 36:8	26:13 40:12	63:9 85:13	59:8,8
deposing 19:6	37:4 48:10	52:24 53:5	87:16 114:2	ends 60:9,10,11
87:22 92:10	49:3 60:6	53:23,23 54:8	early 19:13	79:3 109:22
deposition 1:13	64:9 70:4,14	63:2 76:1	easier 18:20	enormous
3:9 5:3,9,12,17	74:8,21,23,24	97:10	easily 33:17,19	92:13
8:5,12 85:7	79:18,18 84:10	dockets 96:3	33:19 45:17,18	enter 43:20,25
110:2,14 114:10	87:3,4 88:11	documents 8:18	97:4,8,9	72:5,14
115:6,11 116:12	97:12 98:10	8:21 9:2 41:11	easy 30:11,15	entered 76:23
117:6,8,9	99:25 100:20	doing 12:19	effectively 27:4	98:16
depositions	100:20 103:24	16:22 21:25	28:19 37:12	entire 20:14
89:21,25	104:5 105:9	27:19 29:24	65:9	entirely 82:15
109:23	113:17,17,23	30:1 32:5,14	eight 14:1 31:3	envision 51:4
describe 31:4	113:23	39:16 40:16,17	33:18 35:9	errata 116:14,16
31:16 56:20	differing 113:24	43:5 44:4,7	46:19	116:17 118:1
56:24 69:14	difficulty 20:18	47:23,25,25	eight-attorney	especially 28:3
76:6 79:20	32:9,11	54:20 55:22	13:22	30:5 32:10
80:1 82:6	direct 18:6	56:23 63:12	either 23:4 45:4	53:11 84:5
86:22	directed 22:12	63:21 65:1	61:15 65:16	essence 9:1
described	direction 105:11	73:4,8,11,17	91:15 92:2	10:9 24:18
42:13	115:9	77:21 78:15	93:7 99:15,15	39:22 73:11

88:22 100:11 102:12 111:7 essentially 100:17 102:7,9 establish 36:9 69:25 111:15 et 1:3,6 3:3,6,17 3:18 5:14,14 102:10 116:10 116:10 118:2,2 ethical 64:13,14 64:17 66:4 78:8 107:24 ethically 63:19 64:5,6,23 evaluate 28:20 32:3 92:23 evaluated 30:14 30:23 86:18 evaluating 31:18 32:12 evaluation 29:25 30:24 32:2 113:3,13 evaluations 29:17 30:17 32:14 evens 39:25 event 41:19 52:17 68:7 events 14:21 eventually 60:16 78:17 everybody 22:19 48:8 57:5 66:17 68:12,13,14 107:3 everybody's 41:13,14,21 91:19 evidence 100:21 exact 24:1 45:23 exactly 24:1 29:2 45:25	74:4 78:4 82:3 EXAMINATION 2:4,5 6:10 96:11 examined 3:10 6:8 example 19:25 20:13 29:4 31:5,19 43:20 47:23 60:12 87:15 94:11 99:14 100:22 102:2 112:1,12 112:13,23 113:12,21 examples 31:25 exception 17:18 24:9 40:16 exceptions 24:10 47:20 excited 86:23 exclusively 75:4 excuse 63:21 100:6 Executed 117:14 exhibit 2:9,11 73:21,24 expect 13:1,6 14:8 54:6 67:15 expectation 32:20 expectations 31:18 expected 28:17 80:3 113:6 expedite 83:18 83:19 expense 41:14 experience 13:3 13:4 17:15 18:12 28:7,8,9 64:8 84:11 85:14,19 86:3 102:20 107:12	experienced 17:18,24 18:14 18:16,17 19:11 20:1 24:22 96:7 expert 19:8 86:25 87:1,2 88:4,6,21,25 89:1 110:24 111:14,19 112:3 112:15 113:18 expertise 93:16 113:10 experts 86:11,13 86:16,22,24 89:9 110:22 112:13 113:4,23 Expires 117:19 explain 24:10 78:1 explained 108:11,12 expressed 82:5 114:2 expressly 5:7 extent 17:13 32:15 extra 73:24 extremely 112:6 F facilitate 44:20 63:3 facilities 47:21 facility 61:16 facing 92:24 fact 14:22 45:4 55:5,6 61:23 81:10 factor 59:4,4 82:14 fail 98:23 fair 33:7 fairly 17:17,24 39:24 97:11 fall 93:6 familiar 19:4	63:13 families 22:7 66:15 108:12 family 27:5 42:24 44:19 57:16 69:8 72:12 84:15 far 12:3 26:3 31:6 34:19 42:23 44:8 47:10 51:17 81:4,9 101:9 105:4 110:3 fashion 76:10 faxing 99:19 federal 48:21 48:22 51:10,11 51:13,14,16 100:15 101:3 101:19 fee 70:21,21,22 70:24 71:14,18 71:21,22 72:2 72:6,8,16,16 72:25 73:1 feeds 89:5 feel 97:20 feeling 7:17 feelings 77:25 fees 72:4 75:24 felonies 25:5,8 25:9,11,13,15 26:9 felony 24:13 25:6 40:7,10 40:15,15,16 53:23,25 55:15,16 70:25 75:6 98:6,13,13,14 98:14 104:8 felt 16:19 66:12 78:6 95:14 fewest 48:18 fifteen 90:5 fight 85:6 88:19 figure 30:13	32:16 36:15 37:3 88:3 90:8 figuring 19:1 35:17 101:7 file 35:5 55:11 55:12 66:25 72:6 78:13,15 filed 34:21 35:4 62:13 75:15,18 78:17 79:1 91:15 files 13:20 filing 76:12 78:10 79:22 116:18 fill 13:24 14:9 17:21 19:16,17 57:3 67:12 69:5 74:14 76:19 100:12 106:10 filled 111:7 filling 20:24 21:18 61:2 99:18,19 102:22 103:1 107:15 fills 19:25 73:13 finally 91:12 financially 115:14 find 29:8 37:19 37:20 87:23 91:8 93:13,21 103:22 106:18 106:23 116:12 finish 7:24,25 8:2 fired 61:2 first 8:7 10:5,7 14:11 28:11 30:3,5 39:12 52:7 82:9 87:18 104:24 108:14 fiscal 12:10 13:7
---	--	---	--	--

five 33:20 82:20,21 90:16 110:20 110:21	frankly 37:24 38:2,11 52:12 56:22 59:7,10 61:17 62:6 63:5 66:7 105:4	generalized 36:4	50:10,11 51:4 52:7 53:14 54:11,12 58:22 60:16 65:11,11 65:19 67:10 69:4 72:12 73:1 78:5	71:19,20,21 73:1,23 75:21 76:14,17 78:5 78:10,14,15 79:1 81:4,22 82:8,10 83:24 84:4,8,17 85:1 85:2,3,4,6,8,11 85:12 87:17,18 87:19 91:2,5 91:23 92:16 95:22 101:15 101:23 102:3,4 102:5 103:14 104:9 106:13 106:23 107:11 108:4,5,16 109:20 110:9 111:24 112:4,15 112:16,19,24
flip 38:21 54:16	Friday 68:1,3 76:25 78:23	generally 12:16 18:25 19:15,20 22:3,11 36:5 42:13 46:12 47:22 52:12 55:10 58:11,22 94:19 95:24 96:1 100:10 101:5 104:25 105:18 111:22	82:16 83:20 83:22 84:25 85:10 87:23 90:14 91:12,20 91:23 92:3,11 92:17 98:22 100:2 101:15 102:24 103:14 107:8 112:15 112:25 114:7	85:12 87:17,18 87:19 91:2,5 91:23 92:16 95:22 101:15 101:23 102:3,4 102:5 103:14 104:9 106:13 106:23 107:11 108:4,5,16 109:20 110:9 111:24 112:4,15 112:16,19,24
floated 24:3	friends 94:2	getting 11:21 12:5 13:9 36:7 42:18 45:2 63:4 69:6 72:4 85:3,3,7 92:7	goes 30:25 59:18 60:23 63:8 65:24 91:22	good 6:12,13 18:10 23:8,9,11 45:10 47:4 59:21 61:12,22 66:19 83:16 91:25 94:4 96:13 97:16 98:9
flood 107:13	front 13:19 42:14 42:14 52:25 54:2 72:4 80:18	give 31:18 36:11 43:14,17 45:10 48:12 53:21 66:19 76:7 96:25 106:17	going 6:23 8:2 8:7,15 15:19 16:6 19:5,5,6 20:4 24:18 26:16 29:8,10 29:24 33:6 34:7 44:24 45:3,5 46:3 47:24 48:5 49:7,12 50:4 52:1 54:10 55:16 56:8,15 56:21 57:7,10 57:10,11,18 58:12 59:12,13 59:14,15,17,17 60:24 61:5 62:5,7,14,16,17 64:20,20 65:10,11,11,11 65:18,19,20 66:25 67:11,12 67:12,13,15 68:4,6,17 70:4 70:7,8,19 71:7 71:8,9,13,15,17	gotten 91:15 Governor 4:9 6:2 96:16 grand 46:16 Grandma 57:17 grant 88:21 grasp 19:11 grateful 13:6 Gray 4:20 5:20 great 28:21 63:9 Greene 50:18 50:20,20 51:2 Greitens 4:9 6:2 96:16 guess 67:10 74:12 91:12 107:20 guide 101:4
Floor 4:5	frustrated 108:13	given 24:3 31:4 31:4,24,24 32:4 39:2,2 41:16,20,22 46:7,19 56:22 61:18 82:12 95:17 105:11 113:13		
folks 32:8 43:4 49:15 85:7	frustration 82:6	gives 31:25 45:11 46:1 57:12 97:22		
follow 31:13 66:20	full 51:7	giving 97:16		
follow-up 45:2	full-on 58:9	go 18:24 20:5 21:10,15,24 22:22,22 24:16,16 25:18 30:11 32:24 35:18 36:13,15 37:13,19 38:2 38:21 39:5,10 42:21 44:23 46:25 49:4,5 49:6,7,9,14,18 49:22 50:7,9		
following 30:2 73:11	fully 13:6 17:8			
food 101:1	function 58:24 59:2 108:10 109:3			
fooling 60:18	functionality 35:25 109:9			
force 91:14,18	functionally 23:18			
forced 91:23	functions 22:4			
foregoing 115:6 117:6,10	funding 12:9,13 14:5 110:3,7 111:18			
forget 16:2	funds 110:2,23			
form 30:25 41:2 41:5 76:18,18 117:7	further 84:7 87:6 115:12			
forms 41:5	furthest 26:24			
forth 98:7				
forward 21:17 68:19 81:14	G			
forwarded 8:22 8:24 68:9 89:14	gathers 41:10			
found 16:1,4 68:1 75:17,19 81:1 91:12,13	geared 15:19			
Foundation 3:12 4:4 5:18	gears 99:7			
four 14:13 15:21 33:19 37:7 38:23 49:2 60:15	general 22:9 31:12 36:11 77:5 82:7,11 111:12			
frame 15:22,25 29:23 30:9,11 41:16,22 44:5 45:9,19 46:3 112:11	GENERAL'S 4:10			
frames 30:4,6				

guideline 33:2 101:20	48:11 52:6 63:1 69:21 75:12	91:12 Hi 96:14 High 4:11	4:21 5:4,19 115:3,18 116:22 hunch 88:7,9 husband 108:18	38:5 increase 48:22 increases 44:5 44:6
guidelines 31:14 31:16 70:21 100:16 101:4	happens 37:14 53:4 54:21 55:6 62:19,20 62:21 81:7 84:12,22 90:10 92:4 95:2 105:5,8 108:3	highest 33:23 Hinkebein 14:18 63:14 64:21 69:24 109:3 hire 17:19,19 18:6 60:13,14 60:24 76:8,9 86:13 88:13 94:5 101:16,23 102:4,24 103:14 104:10 112:2	I idea 48:2 51:11 97:1,22 ideal 38:8 identification 73:22 immediately 7:11 68:18 95:21 immigrant 93:9 immigration 92:23 93:3 impact 101:11 impacts 20:19 implementing 27:12 implication 93:3 implications 63:17,18 67:22 important 43:6 impossibility 23:10 impression 15:12 81:21 inactive 98:22 98:24 99:1,2 incarceration 36:7 include 31:6 35:4 83:7,13 96:5 100:20 103:25 included 8:8 11:8 includes 13:18 14:2,3 27:10 39:21 77:6 96:7 income 72:9 incorporated	incredible 43:8 independent 105:22 indicate 111:20 111:21 116:15 indicated 75:19 81:2,18,21,25 indicating 77:24 indication 106:17 111:22 indigence 106:17 indigency 99:8 100:19 101:12 102:13,16,18 103:10 indigent 67:14 71:5 73:14,15 73:16 84:13 99:8 100:24 105:16,23 106:8 108:3,4 individual 39:10 50:8,10 72:8 106:18 108:6 112:21,22 Individually 23:24 individuals 22:7 28:13 95:7 100:23 106:7 113:11 ineligible 106:2 influx 51:15 information 56:11 68:10 94:4 106:12 106:24 ingrained 25:14 inhibits 21:14,15 initial 29:24 52:8,11,17,19
H	hard 35:16 head 25:15 31:1 85:1 103:23 heading 75:20 health 19:10 47:21 86:17,18 106:15 112:13 112:14,16 hear 7:9 heard 57:8 62:15 hearing 52:8 55:1 56:3 58:9 61:10 68:11 80:20 91:11,13 hearings 52:11 58:5,15 heavy 15:19 held 5:17 help 21:16 34:11 37:25 38:3 43:16 44:20 45:8 99:22 100:8 helping 42:25 63:10 helps 100:3 Henry 11:12 33:22 49:11,19 49:20,23 50:1 50:10 76:3,4 82:15 97:7 hey 37:6 45:7 50:3 57:13 69:9 72:11	hired 28:6 33:19 hiring 20:5 111:19,20 history 112:14 hoc 56:24 hold 9:24 103:9 hole 20:7,9 holy 87:23 home 62:7 homicide 33:25 95:19 homicides 26:1 35:3 hopeful 13:2 Hopkins 75:17 hour 51:22,22 51:22,23 52:2 hours 51:23 80:1 112:10 house 51:11,16 57:18 103:7 housed 49:17 household 101:8 houses 48:21 51:13,14 housing 51:10 101:1 huge 59:4 62:13 Hughes 3:13	idea 48:2 51:11 97:1,22 ideal 38:8 identification 73:22 immediately 7:11 68:18 95:21 immigrant 93:9 immigration 92:23 93:3 impact 101:11 impacts 20:19 implementing 27:12 implication 93:3 implications 63:17,18 67:22 important 43:6 impossibility 23:10 impression 15:12 81:21 inactive 98:22 98:24 99:1,2 incarceration 36:7 include 31:6 35:4 83:7,13 96:5 100:20 103:25 included 8:8 11:8 includes 13:18 14:2,3 27:10 39:21 77:6 96:7 income 72:9 incorporated	increase 48:22 increases 44:5 44:6 incredible 43:8 independent 105:22 indicate 111:20 111:21 116:15 indicated 75:19 81:2,18,21,25 indicating 77:24 indication 106:17 111:22 indigence 106:17 indigency 99:8 100:19 101:12 102:13,16,18 103:10 indigent 67:14 71:5 73:14,15 73:16 84:13 99:8 100:24 105:16,23 106:8 108:3,4 individual 39:10 50:8,10 72:8 106:18 108:6 112:21,22 Individually 23:24 individuals 22:7 28:13 95:7 100:23 106:7 113:11 ineligible 106:2 influx 51:15 information 56:11 68:10 94:4 106:12 106:24 ingrained 25:14 inhibits 21:14,15 initial 29:24 52:8,11,17,19

52:20 53:2,19 54:3 55:1,9 55:20 57:21 59:25 61:7 76:13 initially 29:21 29:22 47:13 53:24 75:17 80:9 initiated 73:13 inmate 48:22 49:24,24 99:21 inmates 48:21 50:18 51:2,10 51:12,13,14,16 inpatient 44:14 instance 53:21 instances 53:1 intake 42:21 106:11 intent 81:18 interact 28:24 29:3,6 interacting 32:9 interactions 31:11 interest 15:13 interested 55:22 115:15 interesting 104:14 Interim 2:9 interview 14:23 14:24 interviewed 15:8 interviewing 42:24 introduce 5:23 inverse 38:21 investigate 21:17 83:11 84:7 102:13 investigating 92:9 investigation	37:18 investigations 37:14 102:18 investigator 13:21 35:6,18 35:21 36:5,12 36:22 37:4 38:2,3,10,11 investigators 35:19 38:9,14 38:15 investment 92:13 invoicing 41:8 involve 31:10 involved 28:22 36:21 62:10 75:6 85:9 95:20 97:14 involvement 60:9 74:14 involves 34:1 involving 86:21 95:20 issue 51:17 91:14 issued 80:10,22 issues 19:10 29:9 31:22 38:16 60:21 61:17 84:14,15 86:17,21 100:5 it'll 92:14 item 36:12,17 items 36:1,1 <hr/> J <hr/> Jackson 12:21 13:9 25:22 80:22 94:10 Jacqueline 4:15 6:3 116:6 117:21 jacqueline.shi ... 4:18 jail 21:15,20 24:16,19 27:2 32:24 36:9,10	36:14 44:13 48:8,9,21,25 49:1,5,8,18 50:10,19,25 51:3,17 53:10 54:9,12,15 56:25 57:5 61:18 62:24 63:5,6 69:7,10 83:25 84:6,6 84:9,19,22 99:16,19 101:21 105:13 105:17 jails 22:13,22 26:3 36:8 42:21 48:24 49:3 51:7,12 56:9 January 9:23 65:1 108:21 Jason 4:4 5:24 6:14 116:23 Jefferson 4:12 Jeffrey 1:13 2:3 3:9 5:13 6:7 116:13 117:5,12 118:1 jeopardizes 90:10 job 56:14 66:19 105:14,14,16 106:14 Johnson 11:11 39:18,19 40:6 40:10 50:19 50:25 51:3,20 70:6,13 73:9 79:21 97:11 joining 15:4 Jones 50:11 71:9 Journey 76:12 76:15 77:1,24 78:16,19 80:8 80:18 81:2,25 judge 44:12,12 54:3 55:19	57:18 59:11 60:15,23 62:10 67:15,18 69:4 70:9,10 70:18 71:5,11 71:16 74:7,19 75:16,17 76:4 76:5,12,15,25 77:1,1,2,24 78:9,11,16,19 79:19 80:8,18 80:22 81:2,17 81:25 88:21 88:23 89:2 91:4 95:21 103:9 judges 55:4 61:22 71:2 73:10 78:3 81:9,14 109:15 judicial 75:13 Julie 54:11 July 15:24 jump 52:5 107:18 jurisdiction 18:22 jurisdictions 91:2 justification 107:19,23,23 juvenile 94:6,11 94:13,16 95:1 95:20 juveniles 95:5 jwilliamson@ ... 4:7 <hr/> K <hr/> Kansas 3:13 4:23 11:16 12:2 116:3 keep 7:14 42:10 47:25 48:2 kept 27:1 kid 90:3,3 108:17	kind 7:20 15:11 16:23 17:4,6 19:7,8 20:20 27:18 29:9 37:22,23 40:4 40:23,24 47:23 48:3 50:15 52:5 56:16 57:8 58:21 62:19 63:24 73:12 76:6 81:18 86:22 88:12 94:2 95:18 97:1 103:7 104:5 105:18 108:2 109:12 112:5,7,10,18 112:22,23 113:2,3,6,18 kinds 11:3 19:3 19:10 20:12 21:7 22:13 31:9,13,22 32:13 37:17 38:1 39:7 42:17 43:1 44:9 53:13 59:2 66:15 84:15 86:21 88:8 92:11 101:2 106:14 106:22 113:10 knew 64:24 82:1 know 7:10 8:14 8:15,20 15:6,11 15:14 16:14 17:5,8,9 19:1,2 19:4,5,6,9,13 19:16 21:2,19 21:23 22:23 28:17 29:7,9 29:10,11,12,15 30:13 31:2,7 31:12,15 32:4 32:7,7,10,11,11
---	--	--	---	---

32:17,22,23	89:24 90:9,13	53:1 56:2	limited 7:6 11:6	89:15 91:7
32:25 33:1,2,3	91:21 92:14	58:4 61:9	limiting 23:4	lone 33:25
34:5,19 35:2,2	93:13,23,24	86:25 93:15	line 30:8 48:3	long 9:13 19:15
35:22,23	93:24,25,25	leave 17:20	67:5 87:6	19:20 25:15
36:9,16,17,18	93:25 94:20	20:6,7,19 39:4	118:4,6,10,16	39:15 51:19,19
36:18 37:4,6,7	94:22 95:18	39:5	118:20	76:11 82:4
37:8,10,19,23	95:22,24	leaves 19:20,21	list 8:8 16:16	87:11 112:1,14
38:1,4 39:1,2,4	96:22,24	leaving 68:7	36:14 53:10	look 15:14,15
39:4,7,25 40:1	97:15,15,18,19	lecture 80:2	54:9 69:25	45:22 46:25
40:2 41:3,18	98:5,13,13	left 28:5	70:3,17 72:23	46:25 54:9
42:23 43:9	99:3 100:10,15	legal 5:20 10:21	75:7 77:8,11,12	64:10 73:25
45:8,9,10 46:3	101:1,8,8,16,16	11:3 13:20	77:15,17 79:5	79:17 83:20
46:4,4,4,5,9	101:19,20	36:5 37:24	81:11 90:6	84:20 88:1,9
46:16,18,24	102:5 103:9,10	42:6,20 43:16	107:16,17	88:10,13 90:1
47:1,14,19 48:1	103:12,15,16,21	43:24 44:2,10	108:11 109:14	90:2,7 91:20
48:5,6,6,7	103:23,23	44:14,15,22	113:4	93:5 98:3
50:4,8,16,17	105:7 106:3,14	45:6 53:7	listed 31:23	99:5 100:14
50:19,19 51:6	107:5,6,7,7,9	54:11,20 56:7	listen 56:21	103:8 107:9
51:6,9,12,19	107:10,11,11	91:11 99:12,13	59:12,12 68:12	113:13,19 114:4
51:24 52:18	108:13,13	100:1,8,13	68:13,14	looked 15:12
53:10,11,13,18	109:13 111:16	101:16 107:18	listening 59:6	77:9 103:6
54:1,2,8,13,18	112:4,8 113:14	107:22	63:22	looking 32:19
54:20 55:3	113:16,24 114:3	legitimately	lists 109:2	48:5 84:25
56:13 57:3,6	114:4	91:20	literally 75:22	90:4 97:2
57:12,19,20	knowing 87:13	length 82:16	77:21	looks 74:4
58:12,15,19	knowledge	let's 44:15,16,17	litigation 4:22	lose 17:2,3 67:2
59:20 60:12	93:16	64:2 107:14	5:21 32:8	67:7
60:17 61:1,2,4	known 65:6	letter 36:7	70:8 85:8	losing 17:11 20:4
61:16,16,19,19	66:7	57:12 66:23	109:6 116:1,18	67:1
62:20 63:16	knows 82:1,2	99:21	little 22:1 28:9	lost 89:2 105:14
64:9 65:2,7,8	94:21	level 25:4,8	74:20,24 76:7	105:16
65:16 66:3,4		26:8 40:7,9	84:9 86:21	lot 18:20 54:16
66:8,8,19	<hr/> L <hr/>	85:8,14	96:17 97:12	63:24 86:20
68:16,18,24	lab 83:22	levels 30:3	living 56:15	92:6 93:9
68:25 69:5,7	lack 70:16	Lexus 102:25	57:18 106:13	94:4,25 97:14
69:8,9,10,11,16	language	Liberties 3:11	loans 66:15	97:17,18 112:12
69:17 70:19	80:24	5:18	local 82:7	lots 112:15,17
70:23,24 71:11	laptop 23:25	Liberty 11:17	Locust 4:23	loudly 7:16
72:7,10,11,13	large 25:3	12:2	116:2	love 38:18
72:15 75:6,8	39:17 108:8	license 67:1,2,7	logged 23:25	87:24
76:8,9,21 79:5	larger 75:7	84:14 106:21	logistic 21:8,9	lower 24:13
80:5 81:10,23	lawful 6:8	licensed 17:22	68:24 92:4	25:4,8,21
82:1 84:22	lawyer 53:4,5	life 66:17 90:6	logistics 19:4	26:8 40:7
85:1,1,4,7	55:23 61:7	light 89:6	25:24 26:2	luck 66:19
86:14,15 87:6	lawyers 16:25	likelihood 13:8	27:1,2,6 49:3	
87:17,25 88:6	18:15 30:22	limit 24:12 25:7	49:15 64:9	<hr/> M <hr/>
88:14,15,25	33:13,16 52:10	limitation 111:13	69:13 87:19	magic 64:7

mail 42:18	68:23 69:3,16	110:20,21	moving 46:15	106:25 107:9
maintain 113:4	69:17 72:5,11	misdemeanor	46:15 81:14	107:11 110:19
majority 86:13	77:11 79:15	25:3 26:12,13	109:23	112:2,5,9,18
86:14,16	87:10 90:16	26:14,15,18	MSPD 4:14 9:18	112:20 114:4
making 16:12	93:20 97:4	35:2 40:8,11	9:22 10:22,24	needed 27:4,9
28:12 37:21	98:20 101:18	40:12 75:4	16:7 31:11,14	111:11
56:23 57:4	103:21 104:11	91:16 104:7	89:11	Needless 34:4
84:1	104:25 105:17	misdemeanors	multiple 11:20	needs 30:14
manage 85:16	108:15 110:6	26:9 35:2	24:20 26:1	38:2
management	meaning 42:4,5	Missouri 1:1,6	37:4 38:25	neither 115:9
22:15 35:25	98:2,12	3:1,6,12,13,15	49:14,14 57:7	Nevada 11:18
43:19 65:23	means 45:4	3:17,18 4:8,10	104:8	12:4 13:10
69:19 77:19	108:14,15	4:12,15,17,23	municipal 11:5	never 10:14
87:6 98:9	meant 64:25	5:5,14,16,18	murder 34:24	65:14 66:2
manager 64:18	mechanics	6:2,4 9:10 11:11	35:4	88:13 89:13,19
managerial	111:10	58:13 96:16		91:15 110:1,12
22:5	mechanism	108:22 115:4	N	110:12,23 111:1
manner 83:5,11	107:19 110:7	116:3,7,9,10	N 2:1 4:1	111:3
89:9 108:19	meet 16:19	118:2	name 5:19,20	new 4:6,6 12:3
map 49:7 52:1	37:13 47:10,12	MO 4:21 5:4	6:14 42:10	12:17 17:19,22
marginally 67:7	100:2	116:22	57:3 76:20	18:7 19:19
marked 73:21	meeting 31:20	modifications	96:15 117:9	25:12 53:24
Martin 1:13 2:3	67:24,25,25	74:18	118:1,2	66:1 104:4
3:9 5:13 6:7,12	79:19,23 80:1	modified 81:19	naming 75:25	new-hire 20:16
73:21 83:2	81:6 99:15	Mom 57:17	nature 55:14	newest 24:22
116:13 117:5,12	members 27:5	Monday 62:5,8	57:9 95:17	news 86:23
118:1	31:11 42:24	62:15 80:11,12	101:22 105:12	NGRI 86:19
matter 5:13	57:16	80:16	111:12	nice 38:10
14:22 23:6	mental 19:10	money 48:23	near 89:25	niche 39:1
26:5 27:8	47:21 86:17,18	60:25 86:16	97:13 101:19	Nifong 4:16
33:6 84:4	106:15 112:12	87:8 89:12	necessarily	116:8
88:24 91:1,6,11	112:14,16	112:5,21	50:20 56:19	nine 17:4,4 18:3
92:5 93:4	mentioned	month 37:15	81:5	31:3 33:18
94:8,25	42:5 45:13	41:23	necessary	norm 104:24
102:14 104:4,5	47:7 61:6	months 12:7	20:21 106:4	normal 52:24
108:2,10	69:18	13:24 17:5	110:25 117:8	66:17
116:19	Mercy 85:5	48:2 109:18	need 19:8,8	normally 52:15
mean 8:13 9:20	met 47:16 70:18	motion 31:21	22:10 33:13,16	54:7 63:1
9:22 23:11	78:2	62:13 78:17	37:2,18,19	112:9
29:3 32:19	metro 97:13,23	79:12,22	41:25 43:2	north 11:15
33:21 34:20	middle 51:1	motions 58:6,9	45:7 50:3	notarized 116:17
35:22,22	95:12	59:7	68:12 69:10,11	notary 3:14 5:5
38:13 40:25	mind 7:14	move 7:24 21:17	70:19 76:9	116:16 117:18
40:25 42:3	mine 17:11 24:11	moved 10:11	84:6 87:14	notes 38:4
46:24 59:1,1	minus 62:11	16:18 80:5	88:1,20,25	notice 67:2
61:11 62:22	minute 69:15	movements	89:15,16	72:6 75:15,18
65:20 68:23	minutes 92:18	7:21	93:23 102:15	76:13,15 77:25

notified 8:7	obviously 15:25	48:17 49:20	74:5 75:12	74:2,15,19,25
notify 50:1	20:3 32:25	50:17 52:10	79:11 80:7	75:24 76:17,18
58:18,20	46:8 47:19	53:2 59:9,24	82:18 83:13	78:13,25,25
notwithstandi ...	occupy 39:1	62:9 64:17,22	88:18 90:13	79:12 80:10,21
12:13	occur 99:10	65:6 66:3	90:20 92:17	80:23,25 81:5
November	104:11	67:8,19 68:7	94:6,14 96:1,1	81:6,20 107:14
80:11,12	occurred 10:16	68:13,14	99:9 102:12	107:15 112:2,17
number 5:15	occurrence	69:24,25 72:1	108:25 110:21	order-wise
6:23 12:7	105:4	72:23 76:21	once 6:17 17:3	79:25
15:17 18:11 19:7	occurring 93:10	77:4 83:3,10	21:14 44:25	ordinary 18:20
20:22 21:10	occurs 60:6	89:8 93:4,6,21	47:13,14	112:7
22:12 23:12	103:4	94:1,6,21 96:2	one-on-one	organize 37:8,8
24:1 25:3,21	October 77:22	97:1 102:7	28:25	oriented 32:8
39:22,23	offended 80:24	106:7 107:3,3	ones 57:22	41:2
45:23 46:11,17	offender 90:6	107:8 109:11,13	58:7,8 69:15	original 2:11,11
46:18,20	offensive 81:1	109:13,16	ongoing 47:17	74:18,25
48:18 51:2	offer 14:15 16:6	113:21 116:7	open 13:25	116:14
52:18 56:18	16:7 80:4 84:1	office's 20:19	15:23 17:22	originally 17:21
59:2 64:7,9	88:12 92:2	officer 34:2	46:9 47:15	55:10 61:5
65:4 67:4	offered 14:10	offices 3:11 11:15	72:22 90:17	74:16
70:6,25 72:18	offers 14:15,20	11:19,22 46:8	98:18 100:3	Osceola 49:6
76:20 79:1,2	15:21 16:11,11	109:11 113:20	opened 12:23	outcome 115:15
82:4 85:2	80:3,4	oftentimes 38:3	23:25	outcomes 21:6
95:19 97:21	office 4:10,15	58:15 62:22	opening 42:18	outside 22:7
99:5 103:17	6:20 9:25	103:5 105:1	47:13	33:2 102:25
103:24 109:16	10:18 11:13,16	113:11 114:3	opens 13:19	overall 13:14,14
109:17,18	11:17,18,23 12:1	oh 6:19 14:3	41:10 46:1	13:17 96:25
112:10 113:23	12:2,3,4,9,15	19:23 31:2	operate 20:8,9	97:17 98:1
numbers 25:20	13:5,13,18 15:5	40:25 45:17	99:13	109:11,13 110:8
26:4,25 27:1	16:7,8,24 17:11	60:1 62:3	operated 107:4	
40:19 82:12	17:14,24 18:1,2	68:23 79:9,10	operating	P
96:25 102:3	18:6,22 20:3	86:7 90:15	39:20 43:23	P 4:1,1
106:13	20:5 22:4,8,9	91:20 93:19	44:2 100:7	p.m 5:9,12
	22:17,20,25	100:14	opinion 38:8	82:24 83:1
O	23:7 24:14,17	okay 6:23 7:7	83:3,9,15 89:7	92:19,21 114:8
oath 7:2	24:19 26:24	7:21 8:3,4,16	96:1 112:19	114:10
object 7:5	27:3,7,7,11,14	10:8,20 13:12	opinions 63:25	P.O 4:11
objecting 80:19	27:17 28:5,17	13:14 14:1,4,8	opposed 7:20	page 2:2,8
objection 76:24	29:5,16,23	16:9 18:8 21:2	18:25 19:14	116:14,16,18
objects 59:11	30:21 33:14	26:7 34:25	opposite 38:25	117:21 118:4,6
obligation 64:4	33:23 36:5,18	40:13,22	option 63:21	118:10,16,20
64:14,15 66:18	37:6 38:9,13	43:18,21 44:1	oral 59:7	pages 83:21
68:5	38:20,22,24	46:23 47:7	order 2:9 21:5	paid 72:15
obligations	39:11 41:8,9	50:5 52:4	33:14,15 53:15	panic 66:11
66:16 78:7	41:25 42:7,8,9	53:1,6 54:8	54:22,23	pardon 99:8
observe 28:21	42:14 43:12	61:6 63:13	58:2 70:11,15	102:11 110:12
observed 28:16	45:6 46:1,11	71:19 73:4	72:21 73:7,18	part 11:2 12:5,18

25:23 28:13	77:15 84:8,8	94:3 99:3,4	68:19 75:2	preparing 89:3
31:9 37:11,11,11	84:13 85:2,5	100:15 101:13	77:3 79:16	present 5:22
39:24 40:25	86:18,22	101:18,25	82:20 84:17	52:10 58:14
59:18 75:4	89:17 91:3	103:13 107:1	99:2 104:14	61:7,9 62:2
99:14 106:11	92:10 93:12	113:1	105:11,13,15	presently 11:23
particular 26:19	94:5 98:22	person's 54:8	111:4	presiding 70:9
58:16 62:24	99:15,18	54:10	policies 30:2	77:2 78:3
98:6 104:15	100:21 101:2,4	personal 26:8	policy 27:12	pretrial 31:19,21
107:20 111:14	101:8 102:3,15	personality	31:13 111:15,18	61:8
111:15,17,19	102:18,21	65:14	population	pretty 18:10
114:1	103:6,11,15,17	personally	48:22 93:8,9	36:17 47:4
parties 115:11,14	103:19,20,24	23:23 24:5,6	port 50:2	61:22 89:23
partly 73:9	104:25 105:19	45:16 80:24	position 10:10	93:11,13
pass 14:12 16:1	105:25 106:10	110:1	13:23,23,25	Previous 12:25
passing 16:12	107:2,7,13,15	phone 66:23	14:9,10,14	primarily 12:20
patience 56:20	108:3 113:9,9	78:4 106:13	15:23 16:6	24:14 25:2
pay 71:18 72:12	113:15,25 114:3	phones 13:19	17:21 19:16,19	39:11 44:25
72:13	people's 69:8	42:16	28:10 56:13	58:24 59:2
penalize 33:6,7	102:13	pick 50:3	56:23 57:24	primary 11:9
penalty 117:10	per-hour 111:22	picked 50:14	58:2,22 59:21	18:13
pending 3:16	percent 90:16	53:11 69:9	91:24	printed 68:8
57:1	90:16,17,18	PJ 70:11	positions 9:24	prior 9:21,25
people 8:14	97:3,10,19	place 16:11 45:3	possible 54:12	10:21 12:24
14:14,24 16:10	percentage	54:17,17 81:11	post 69:24	26:22 53:14
17:7 18:23 19:7	86:15 96:20	97:2 106:19,19	101:21 103:11	53:16,17 64:21
20:15,23 21:11	97:16,21	places 18:23	posted 60:13	68:5 81:14
21:13,13,24	perform 32:3	21:13 49:14	62:13 71:6,16	106:14 116:18
22:9 23:7	performance	56:18 59:6	103:13	prison 90:4
28:10,17 32:5	29:17 32:17	100:1	posting 70:23	private 28:8
32:6,6,6,7,24	period 33:24	plaintiffs 1:4,14	potential 66:23	60:20 70:17
32:25 36:16	37:22 39:8,15	3:4,18,19 4:3	potentially	70:18 72:20
38:1,3 39:3,4	82:5 88:24	5:2,25 6:9,15	66:24	73:2,6 74:13
39:5,5,5,6,6	perjury 117:10	plan 50:9 78:16	poverty 100:15	95:4 104:1,3,6
42:16,25 43:2	permitted	81:15	101:4,20	105:6,9
43:4,5 44:8	64:22	planned 50:7	practical 23:6	privately 10:23
49:4,13,23	person 13:19	planning 19:9	26:5 27:8	proactive 53:3
50:13,23 51:4	14:12 15:8,25	plans 81:13	33:6 34:12	56:8 73:10
51:5 53:12,14	16:3,5,12,16	Platte 12:22	79:19 81:3	proactively
53:24 54:1	17:20,20,22	13:10 25:23	84:4 88:23	53:9
57:19 60:12,12	19:21 21:1,1	please 5:22 6:6	91:1,6 92:5	prob 47:3
60:17 61:18	22:11 26:16	7:1,10,24 57:2	102:14 108:1	probable 55:11
62:21,23,24	30:18 37:19	116:12,15,17	practice 56:6	probably 17:2,3
63:5,10 65:10	42:13 48:9	plenty 33:21	premise 72:13	18:3 19:6 31:2
66:13,14 67:11	49:19 54:14,15	plus 66:1	preparation	45:18 46:17
67:14 69:12	54:21 56:4,14	point 19:2,2	8:12,13,18	47:3 52:3
70:20,23	57:21 63:2	48:13 49:2	prepare 8:5 9:5	57:7 94:19,22
72:10,11 77:12	66:24 73:16	54:24 60:10	88:24	97:3,9,11

103:22	prosecutor	106:8	116:15 117:6	83:10 92:20
probation 25:4	33:11 34:6	quantifies	118:5,7,12,17	recognize 19:13
26:10 35:3	59:11 75:2	111:23	118:21	64:5 76:16
47:24 48:4	82:16 88:11	question 7:7,9	ready 44:23	86:10,10
52:22 75:5	91:4	7:10,12,25 8:1	45:2 84:20	88:20 89:18
84:1 106:22	prosecutor's	8:3 15:18,18	92:7	91:24 112:25
problem 7:17,18	38:20 84:1	25:18 54:4	real 17:12 20:7	Recognizing
17:12 21:9	prosecutors	87:13 103:18	87:13	19:9
37:11,12,23	79:21 80:2	106:5	realistically	recommend
48:10 49:22	provide 20:20	questioning	92:12	28:14
50:15 51:15	89:12	93:1	reality 29:20	record 5:10 7:16
57:23	provided 71:25	questions 6:24	32:19 64:25	82:24 83:1
problems	72:3	6:25 7:6,20	64:25 65:7	92:18,19,21
20:22 21:8	providing 31:8	8:10 14:23 15:1	84:7 88:12	106:14 114:7,8
29:10 48:14	public 3:14 4:15	15:9 22:9	92:14 108:2	114:9
49:15 84:14	5:5 6:4,20	27:12 52:5	realize 66:22	recorded 5:12
88:5	9:10,21 10:1	60:3 68:21,24	really 20:5	recording 68:11
procedural	12:9 15:4	69:13,15 96:18	30:15 35:18	records 85:3,4
52:4	29:23 30:4	quickly 93:13	45:10 77:18	112:16,17
proceed 88:17	65:6 67:19	quit 63:23	87:24 88:14	reduced 56:15
proceedings	70:7 71:24,25	66:14	88:19 91:25	91:16 115:8
61:8,21	76:21 77:4	quoted 102:3	94:21 98:9	reduction 58:5
process 14:23	102:10 104:21		realm 112:8 113:1	reestablish
14:24 16:21	108:22 113:5	R	rearranging	78:12
20:6 28:15	116:7,16 117:18	R 4:1	23:5	refer 113:25
30:5 32:2	pull 98:17,21	radius 101:24	reason 25:23	references
35:24 36:21	pulling 102:25	railroad 51:1	35:23 49:19	16:15
41:1,5,6,20	punished 65:19	Ramsey 2:5	50:5 56:7	referral 74:23
53:16 54:23	65:20	4:10 6:1,1	62:7 72:17	74:24
73:12 78:1	pure 109:3	96:12,15	87:2 90:23	referring 74:3
83:20 93:1,14	purposes 29:1	110:19,21,22	111:9 118:5,8,14	80:25
100:17,18	34:13 79:20	ran 42:14	118:18,22	reflection 66:21
106:11 111:5,8	86:19,19,20	random 26:15	reasons 48:12	refunds 72:9
processes	pursue 91:9,10	range 17:15	60:6 90:23	refuse 64:22
99:25	pursuing 31:22	24:7	90:25 91:1	refuses 62:11
processing	push 91:9,10	ranks 10:12	103:25	regardless
41:17 42:18	put 27:14 28:10	rapport 31:8	reassign 22:20	59:13
produced 3:10	66:16 67:2	32:12	recall 17:13	registered 90:5
6:8	86:14 87:17	rate 16:23,24	77:16 110:6	regular 51:3
product 29:25	87:20,21	20:18 103:19	recalling	54:5
program 43:10	98:24 107:14	103:21	108:20	reinvigorate
44:14,18 68:2	107:15	ratio 38:8	received 12:9	81:19
programs		rationale 26:19	receiving 12:1	reiterated 82:4
42:25 43:10	Q	26:20	12:16 100:22	rejected 103:20
44:9	qualifies 56:5	reach 112:18,19	100:25 101:5	rejection 103:19
promotion	qualify 67:14	reactivate 81:18	102:10	related 115:10
28:15 30:5	100:23 104:2	read 86:23	recess 82:25	relation 26:4

28:15 40:19 53:18,19 56:20 58:17 59:19 62:16 63:22 68:10 70:11 78:25 82:11 89:3,3 92:7,9 105:3 106:25,25 109:12 111:10 111:18 113:2,15 relative 115:12 relatively 97:8 relevant 6:24 remember 6:18 7:1 8:23 10:5,7 31:1 42:10 63:22 65:3,4 80:6 109:5,7 removing 24:19 render 117:8 renewal 74:17 reopened 16:20 repeat 7:11 rephrase 7:11 replace 19:21 replacing 20:19 report 83:22 reporter 3:14 4:21 6:5 7:15 82:19,23 115:1 115:4 reporter's 5:19 reports 41:14 represent 33:14 33:15 63:7 67:13,16,18,19 71:9,10,20,21 72:21 73:17 95:5 96:3,16 96:21 101:17 102:15,16,22 102:23 104:10 105:2 108:6,17 representation 20:20 31:15 34:9 47:15	72:14 101:14 103:16 104:19 109:19 representatio ... 71:4,5 represented 53:12 104:1,3 105:1 108:19 representing 56:3 103:15 104:7 105:6,7 reprimanded 67:3 request 55:12 58:1,4,17 59:13,18 60:22 76:12 79:1 87:7,8,9 89:14,16 95:15 99:21 110:1,12 111:11,12,18 112:2,7,21,23 112:23 114:1 requests 37:5,7 37:22 75:15 86:16 92:10 102:14 110:6 require 26:2 87:19 107:25 112:10 required 6:24 7:7 29:21,22 requires 22:21 83:5,11 89:9 reschedule 80:20 rescreening 16:21 research 32:8 91:11 113:6 resent 9:1 reserved 5:7 reset 21:19 resources 83:4 83:10 85:10 89:8 92:6 102:15,17	104:18 106:1 respective 32:16 respond 66:9 response 68:22 81:16 responsibilities 22:2,14 40:23 responsibility 22:19 28:14 responsible 27:19 rest 90:6 restricted 26:4 result 48:20 results 16:2,4 retain 87:1,1 return 116:17 reverse 105:5 105:20 review 8:18 31:10 36:13 41:1,12,13 55:7 55:8 112:16 reviewed 8:20 9:3 reviewing 41:8 41:9 65:3 92:10 103:10 revolve 58:11 86:17 revolves 82:15 86:20 ridiculous 112:7 right 12:18 13:13 13:14,25 15:16 16:17 17:17,17 18:12 23:13,15 23:16,22 24:3 24:25 25:16 27:20 29:14 30:20 33:5,17 33:21,25 34:23 35:21 39:9 40:6 42:5,8,15 43:22 44:1	45:13 57:1,15 58:4 59:16 62:18 65:22 69:2,18 70:10 77:22 78:18 79:13 82:22 84:18 92:1 94:18,24 95:23 98:4 101:19 110:15 110:17 111:6 ris 26:4 risk 84:18 road 30:13 61:4 robbery 26:1 rolls 13:7 room 44:16 roughly 79:4 90:14 round 20:13 routine 62:19 106:7 routinely 29:11 51:15 90:1 102:1,20 RPR 4:21 5:4 115:18 116:22 rule 66:4 78:7 ruled 78:19 rules 64:14,14,17 68:9,15 78:8 107:24 ruling 81:3 Rumley 54:3 run 88:5 runs 84:18 rural 54:18,19 57:19 Ryan 4:20 5:20 <hr/> S <hr/> S 2:7 3:13 4:1,21 5:4 115:3,18 116:22 safe 46:18 saga 81:1 Saint 11:13	26:25 48:16 48:25 49:1,5 49:10,18,24 49:25 50:13 51:13 76:3 97:2,3 sally 50:2 Sam 41:18 sat 79:25 saw 77:14 saying 72:6 76:13,16 87:17 103:2 109:13 says 6:9 36:12 57:12 59:12 60:16 67:18 76:21 99:22 scanned 76:20 scary 94:22 scenario 43:23 scenarios 20:16 60:9,19,20 61:17 schedule 49:8 79:12 91:6 scheduled 78:23 79:19 80:8 81:6 schedules 29:13 55:4 scheme 46:17 school 51:25 85:3 screen 106:10 screening 100:10,11,12,17 100:18 screenshot 45:23 second 27:24 28:12,21 55:6 82:10 see 8:9 29:12 29:15 32:25 32:25 34:22 44:17 47:23 49:4,6,7,9,22
--	---	---	---	--

50:7,9,11 51:4 53:14 54:9,14 79:2 81:6,7 95:9 107:10 seeing 49:13,15 seen 48:9 80:21,23 88:7 self-evident 93:12 send 72:10 73:25 99:23 99:24 sends 57:11 senior 40:8 sense 23:21 96:19 103:19 sensitive 41:15 sent 34:20 76:15 78:24 78:24 separate 26:13 64:13 98:10,11 98:11 106:11 September 16:3 serious 25:25 58:12 104:6 seriousness 40:19 served 9:13,18 9:20 37:19 services 4:22 5:21 61:3 116:1 116:18 serving 37:25 set 42:25 48:1 52:22 54:5 54:25 55:6,11 55:18,18 84:16 103:9 settings 79:18 setup 74:9 seven 17:14 24:8 47:13,16 90:4 sex 57:7 84:25 90:6 95:18 98:14,14 102:2	shapes 97:1 shared 81:13 sheet 106:11 116:14,16,17 118:1 sheets 41:14,15 41:21 ship 48:24 Shipma 4:15 6:3 6:3 8:6,22 116:6,11 117:21 Shondel 1:3 3:3 3:17 5:13 116:10 118:2 shooting 34:2 short 88:24 shortcuts 83:17 86:10 shorter 49:22 shortest 58:1 shorthand 5:4 shortly 109:22 show 33:10,11 50:2 57:17 60:14 98:20 98:25 sick 18:18 39:6 62:7,21 side 54:16 sign 76:19 116:16 signature 5:6 116:14,16,17 117:21 118:24 signed 44:17 74:6 significantly 106:1 signs 41:12 simply 16:14 26:15 76:19 92:25 93:7 94:19 99:20 Sincerely 116:20 single 15:8 31:24 58:16	sir 7:4 SIS 80:3,4 sit 63:6 84:6 sitting 43:24,25 44:11 63:5 83:25 situation 20:10 57:9 58:3 80:25 82:1 91:19 94:15 103:11 104:22 situations 11:21 58:11 59:23 61:4,14,25 93:8 94:11,12 103:6,11 104:11 six 13:24 skills 28:16,18 31:5 skip 63:13 slight 28:8 small 48:18 smaller 20:4 smallest 26:23 48:17,19 sneaking 88:7 88:8 solely 26:4 34:14 somebody 21:20 22:11 29:12 30:14 33:18 43:10 58:18 63:4,7 66:18 76:8 87:6,24 90:7 93:23 101:24 102:4 103:14 112:1 somebody's 18:18 36:7 112:3 someone's 18:18 32:20 32:20 38:22 soon 14:8 sooner 100:4,5	sorry 102:11 sort 13:10,20 17:9 19:19 26:3 39:4,23 40:20 81:1 100:25 south 11:15 spare 9:7 speak 50:17 speaking 7:15 96:2 97:8 107:17 specific 15:18 30:9,10 36:2 36:3 48:7 specifically 32:23 42:20 56:10 57:16 58:5 70:12 109:8,10 spend 21:4 43:12 44:6 83:24 spending 104:18 spent 61:1 spoke 8:6 Springfield 50:22,23,24 51:4,7,20,21 51:25 staff 8:14 13:13 13:14,17,22 14:6 17:18 18:15,17 22:6 22:10 23:14 27:12 30:1 31:11 35:7,10 38:21,23 39:2 42:1,2,4,4 54:7 67:21,24 67:25,25 68:2,22 staffed 17:8 staffing 22:18 stamps 101:1 stand 62:23	78:18 standard 86:8 86:9 standpoint 15:13 20:25 21:8 22:15 24:23 25:21 40:18 45:9 61:21 92:6 95:11 102:16 start 10:3 13:9 15:20 16:24 17:11 49:12 53:15 57:4 70:20 84:25 85:9 93:12 106:16 started 10:5,9 10:18 16:14,21 18:2 24:24 65:3,5,5 75:22,25 76:1 77:17,18,21 starts 29:22 state 1:6 3:6,15 3:18 4:8,10,15 5:14 6:2,4 9:10 13:3 41:17 58:16 72:10 96:16 100:22 100:24 101:17 113:14 115:4 116:7,10 117:1 118:2 statement 55:11 States 1:1 3:1,16 5:15 status 31:20 98:23,25 100:19 102:18 106:15 stay 106:19 staying 106:20 steps 53:3 92:22 Steven 4:10 6:1 96:15
---	---	--	--	--

Steven.Rams... 4:13	suggestion 63:23	97:25 98:16	45:24 47:1	31:19,22,23
STIPULATED 5:1	Suite 3:12 4:16	98:25 100:4	64:19 66:13,18	31:25 32:13
stop 78:5	116:8	108:22	67:15,16 69:3	33:8 37:10
stopping 82:19	super 27:10	T	69:5,7,12	39:7 41:2,11
Street 3:12 4:5	supervise 110:13	T 2:7 15:9	71:16 84:4	42:22 43:1,9
4:11,23 116:2	supervising 22:6,6 64:18	table 46:16	87:25 88:1	43:21 44:7,17
stress 66:21	111:4	take 19:15 32:18	93:22 103:12	46:17 48:3
stress/panic 69:14	supervision 27:11,18 28:25	38:19 45:3	108:4,5	53:9,13 59:3
stressed 65:15	supervisor 22:4	54:17,17	telling 71:1,2	61:19 62:12
strike 14:12	28:14 64:13,15	64:20 68:16	93:18	63:21 64:3,10
Strothmann 76:5,25	supervisory 78:8	70:17 73:25	tells 64:12	67:5 70:4
structurally 87:11	support 13:18	75:9 76:14	106:23	77:19 79:1,2
structure 70:22	22:10 38:21	82:21 89:20	ten 31:3 90:4,17	79:24 83:17,18
70:22,24	38:23 39:2	89:24 92:23	tend 93:8	83:18 84:12,16
stuck 84:5	41:10 42:2,4,7	102:7,9	tends 113:22	85:15 87:4
student 66:15	42:8,9	taken 1:14 5:3	terms 99:7	88:8 91:8,9
stuff 20:13 21:11	supposed 32:21	20:10 21:21	102:9 110:2,23	92:8,11,13
26:6 30:12	47:10,12,16,17	53:3 70:12	testified 85:15	100:20,20
35:17 38:1,2	47:25 48:2,8	82:25 92:20	110:11	101:2,10 102:2
40:4 41:10	66:5,5 107:25	115:7,12 116:13	testifying 7:3	103:6 106:9,14
42:17,18 44:9	suppression 91:11	118:3	testimony 7:2	106:16,16,22
44:17 47:1	sure 7:8,13,15,19	talk 8:11,11 14:17	12:12 26:7	111:21
65:3 78:15	7:22 8:24	21:5 22:1 29:7	89:6 105:22	think 8:6,8,22
85:11 106:15	29:2 51:8	36:13,15 44:15	105:24 109:25	9:5 14:11,13
subject 29:17	57:11 62:2,3	44:19 49:10	115:5,7	16:1 18:1 20:17
subpoenas 37:25	64:15 82:23	54:13 60:16	Thank 116:19	20:21 26:12
subscribe 117:9	85:18 96:24	67:21 70:2	Thanksgiving 80:13,16	29:6 33:7,13
substance 117:8	suspended 67:4 114:10	81:22 83:22	theory 33:18	35:15,15 37:2
substantive 90:10	suspicious 107:5	88:10,11 93:23	thereon 117:9	41:25 42:5
substitute 62:1	swear 6:6	105:2	thereto 115:14	45:15 51:21
62:23	swing 41:20	talked 19:16	they'd 33:20,20	61:20,22
sucks 91:21	Switching 99:7	70:18 85:13	thing 13:11,20	62:10 64:10
sudden 17:10	sworn 3:10 6:8	talking 20:25	16:5 17:9 26:3	64:24,25
suddenly 37:16	17:23 115:6	21:1 42:23	31:24 36:2,4	66:6,6,11,21
37:17,21	system 36:1	44:7,12 49:3	40:20 58:21	68:3 70:24
66:22	38:20 41:19	49:12 59:19	62:25 70:16	73:23 77:10,14
suggested 30:7	43:19 70:8	63:9 74:12	88:12 90:10	78:5 80:25
suggesting 105:24	74:24,24	79:24 85:4	91:16 95:18	81:17,20 82:6
	76:20 77:20	87:16 92:9,9	108:14	83:16 85:22
		93:12	things 7:13 15:3	85:23,24
		tasks 43:13	19:11,12,13	86:24 87:4,9
		tax 72:9	20:12 21:7,16	87:12 88:9
		team 101:17	22:12 23:3,5	89:10,11,16
		tell 11:7 14:22	26:1 27:4,5,9	90:1,12,23,24
		24:1,2 30:9	27:13 30:2	90:24,25
		44:12 45:22	31:6,7,9,13,16	92:5,14 93:15
				102:15 104:12

106:5,9 107:3 108:7,17 110:5 114:3 thinking 69:16 thought 63:24 64:23 107:20 110:24 three 10:23,24 14:11,14 28:6 30:12 37:15,21 38:12,14,23 39:13,20 48:1 60:15 80:1 87:22 104:17 Thursday 54:10 Thursdays 53:22 time 5:11 9:7 10:13 15:22,25 19:20,21 20:12 21:4 24:3 26:20 27:15 29:23 30:4,6 30:9,10 35:16 36:9 37:5,22 38:5 39:2,8,15 41:13,15,15,16 41:20,21,22 43:8,11 44:5,6 45:9,19 46:3 52:7 58:1,16 69:22 75:6 76:5,7,8 82:5 83:4,10,24 85:10 88:25 89:1,8,10,17 90:12 92:6,13 93:19 109:2 112:1,11 114:5 times 14:11,13 20:11 22:21 23:3 29:11 37:24 52:18 60:15 82:4 85:7 94:9 95:13 110:6 timing 58:25	tired 60:17 title 9:11 today 6:23 8:5 8:19 9:5 54:2 Today's 5:11 told 63:20 66:12 68:17 78:4,13 80:23 88:23 107:2 109:15 tone 81:5 tong 19:9 top 31:1 57:4 103:23 Torrence 80:22 total 13:22 14:7 96:22 totally 104:4 touched 8:9 track 77:20 97:24 tracking 98:2 tracks 51:1 tradeoff 40:19 traffic 11:5 trailer 106:20 training 68:2 69:18,19 transcribed 5:5 transcript 2:11 116:15 transfer-wise 20:14 transferred 18:5 18:5,9 transferring 20:1,2 transport 50:4 transportation 84:14 transported 50:14 transporting 61:18 travel 25:24 26:3 27:2 treatment	42:25 43:9,10 44:8 trend 13:1 triage 83:19 84:24 triaging 86:4,8 86:9,9 87:16 trial 28:16,17 31:5,15 37:16 38:4 62:22 62:25 87:22 88:2 90:14 91:18,23 92:8 116:18 trial-wise 38:5 trials 27:25 28:11 65:16 90:19 tried 23:3,5 24:12 28:9 56:7 59:20 59:22 76:7 95:11 tries 89:11 trip 49:22 true 97:11 117:8 117:10 truly 35:23 trust 21:5 truthfully 6:25 try 7:23 20:10 21:20 25:7 28:3 29:7 32:18,22 34:11 54:11,12 58:3 62:22,23 63:3,4 77:20 78:14 81:23 85:6 91:5 93:24 99:13 100:2 101:16 106:9 107:10 110:8 trying 10:4 13:24 17:21 19:17 25:14 26:12 30:13	32:16 36:8 37:16,17,20 39:1 40:18 42:10 43:9 44:8,9,18 51:25 54:14 57:25 61:19 63:7 76:9 78:12,12 84:20 88:3 93:20 104:12 105:1 106:6 109:5,7 turn 14:19 44:14 84:4 turnaround 19:23 58:1 turned 21:22 89:14 turnover 16:23 16:24 20:18 twice 6:17 8:6 41:23,23 two 11:9,10 12:18 13:20 17:9,10 21:13 22:3 24:10 28:5 33:4 38:11 39:12,17,18,19 42:6 51:23 52:3 60:3 64:3 70:4,5 74:25 75:10 75:10 79:18,18 79:21 81:13 87:3,4 88:2 90:24 91:15 92:18 97:5 104:17 105:7 type 32:8 36:2 36:4 58:10 98:6,12 101:22 106:13 111:19 114:1 types 28:11 101:10 typewriting 5:6	115:9 typical 43:11 46:20 typist 42:12 <hr/> U ugly 88:19 Uh-huh 15:2,7 16:13 18:13 19:18 22:16 25:19 34:3,15 46:6,14 50:6 52:9 73:3 74:22 80:14 81:9 95:16 109:24 110:4 ultimate 101:12 ultimately 72:7 112:17 understand 7:3 7:10 47:11 106:5 understanding 12:8 14:19 104:15,22 105:21 106:2 Understood 45:13 unfamiliar 18:21 Union 3:11 5:18 unit 34:10,13,20 113:21 United 1:1 3:1,16 5:15 upcoming 43:20 54:22 108:21 upper 25:5 40:9 46:4 use 36:19 43:3 82:20 101:3,15 103:14 106:12 110:24 113:22 usual 56:16 usually 19:23 54:25 60:7 65:17 93:11,20
---	--	--	--	---

93:21 94:9 108:14 111:9,23 112:12 utilized 109:3 113:5	94:25 116:13 118:1 vs 1:5 3:5,18	35:24 36:1 39:23 40:3,4 40:20 85:23 87:11 91:7 93:21 98:15 98:25 99:18 102:15,20 103:3 104:13 106:3 107:14	4:16 116:8 Western 1:1 3:1 3:16 5:16 whittle 39:16 wife 8:14 Williamson 2:4 4:4 5:24,24 6:11,14 74:10,11 82:21 83:2 92:17,22 96:10 110:20 114:7 116:23	wouldn't 23:19 24:2 26:6 35:12 46:9 78:13 97:20 106:8 112:25 114:4 wow 43:14 91:20 written 58:9 78:25
V	W			X
v 116:10 118:2 vacations 65:20 valuable 43:7 varied 17:1 various 15:3 20:12 22:21,21 23:3,6 37:17 53:13 55:13 98:10 113:10 Varying 66:11 vast 86:12,14,16 venture 24:2 63:25 verbally 7:20 78:23 80:8 Vernon 49:11 versa 40:3 version 74:21 81:19 versus 5:14 18:15 40:19 vice 40:3 vicious 89:4 victims 58:14 video 1:13 3:9 5:12 videographer 4:19 5:10,20 6:5 82:24 83:1 92:19,21 114:8 viewable 98:4 violating 64:17 violation 25:4 52:22 78:7 violations 26:11 35:3 75:5 visit 21:15 volume 1:11	wait 69:15 77:8 77:8,11,12,15 77:16 108:16 109:2 waiting 47:23 69:25 70:3 72:23 79:5 81:11 107:16,17 108:11 waits 54:21 waive 71:11 72:24 waived 72:16 wake 30:12 walk 18:21 63:23 66:2,14 walking 103:1 want 16:2 36:12 37:7,8 63:5,13 67:12 68:15,16 80:5,11 84:21 87:7 90:1,7,7 93:5 95:23 wanted 7:13 8:24 wanting 113:12 wants 36:15 83:25 warrant 98:23 Warrensburg 51:22 wasn't 9:2 30:8 30:10 34:20 76:11 78:15 79:22 waste 43:8 Waters 109:7 way 20:24 21:8 23:8,9,11,17 24:15 27:15 28:19,21 29:13 33:24 34:12	ways 22:21 23:6 39:12 98:10 we'll 14:17 37:3 47:2 49:8 63:4 79:2 81:7 98:18 99:23 103:8,9 we're 13:5 28:16 36:8 37:20 50:4 52:16,20 57:22,23 58:22 61:13,19 68:20 69:6 70:19 72:3 73:15 75:20 75:20 93:4 97:13 103:10 103:14 105:5 we've 21:10 38:16,17 46:12 53:7 61:17 77:18 83:16 108:12 Wednesday 67:11 week 29:12 91:17 weekend 78:2 weeks 37:15 87:22 88:2 went 51:24 70:18 78:17 80:20 109:6 weren't 18:6 27:8 76:14 West 3:12 4:11	withdraw 60:22 62:14 witness 2:2 5:6 6:6 115:5,7 116:15 118:1,1 118:24 witnesses 11:20 36:14 58:10 87:23 92:10 word 102:7,9 words 30:8 34:9 76:6 work 10:21 11:3 11:5,5,6 14:15 22:24 29:25 40:24 41:1 42:20 62:9 76:9 78:14 80:2 87:18,19 91:8 93:7 94:2 95:3 97:6 workdays 21:22 worked 10:23 working 6:20 18:25 35:21 36:10 38:11 43:15 57:13 75:8 82:2 workloads 32:16,16 works 35:24 70:3 world 68:20 worried 48:6 worries 15:6	X X 2:1,7 88:1 Y yeah 17:1 23:15 23:24 25:12 30:18 40:25 42:2 43:2 57:13,24 59:1 60:1 67:24 68:23 79:9 85:22 86:7 100:14 107:8 110:5 year 12:10 13:5 13:7 17:5,8 20:12 25:13 42:11 45:16,19 46:2,7,19 47:2 47:2 90:14 91:17 99:1,2 years 9:23 10:23,24 11:18 13:4 17:9 18:3 28:6 30:10,12 38:17 46:22 46:23 53:8 65:2,15 74:19 90:4,4 95:13 95:19 108:22 109:1 yeas 70:7 yells 60:15 yep 69:23 74:6 yesterday 8:9 54:1 62:6

84:2	73:20	47:18 48:7,9	70 97:9
York 4:6,6	18th 4:5	300 45:18	73 2:9
young 18:15	19 116:4	31 32:23	
70:9	1996 9:22	34th 3:12	<u>8</u>
younger 40:7,11	1P 10:6	36 98:6	80 97:10
85:16 86:6	1s 35:4	365 45:24	816.221.1160
youngest 24:21	1st 80:9	375 70:25 71:17	4:24
24:21,23 25:1			899 4:11
<u>Z</u>	<u>2</u>	<u>4</u>	<u>9</u>
	2 10:12	4 10:12,15 78:7	90 19:24 97:3
<u>0</u>	2,075 46:5	4:38 82:24	96 2:5
00 70:23	2,100 47:2	4:46 83:1	99 9:16
<u>1</u>	2:49 5:9,12	400 71:6	
110:3,6 34:24	20 46:22,23	406 3:12	
1.800.280.33...	80:11 90:17	42 33:1	
4:24	108:22	420 3:12	
10,000 55:17	20-something	45 33:1	
100 4:16 77:10	80:15	<u>5</u>	
77:13 116:8	20,000 101:25	5 1:15 3:10 5:11	
100=mile 101:24	101:25	70:23 116:13	
1000 4:16 116:8	200 33:5 34:1	118:3	
10004 4:6	34:17 45:14	5:01 92:19	
105 77:14 79:4	2017 1:15 3:10	5:03 92:21	
110 77:15	5:11 116:4,13	5:34 114:8,10	
12 13:15,16,17	117:15 118:3	50 97:19	
67:11	207 4:11	50,000 112:2	
120 24:4 45:14	2100 46:2,4	51 33:1	
125 4:5	212.607.3300	573.526.5212	
13 2:9 14:7	4:6	4:17	
73:21,24	217 33:4	573.751.3321	
1353 4:21 5:4	22 9:23 13:4	4:12	
115:18 116:22	65:2 108:23	<u>6</u>	
150 24:4 33:4	108:24 109:1	6 2:4	
45:14,15	2300 47:3	600 75:16	
15th 78:23,24	24 90:18,19	76:22 78:11,17	
80:21 81:7	240 90:18	78:21 79:12	
16 11:16	2400 46:18	64108 4:23	
1608 4:23 116:2	47:3 90:17	116:3	
166 65:5	96:22	64111 3:13	
17 9:12 10:17 11:8	2600 46:2,7	65102 4:12	
11:9 55:3	2700 47:3	65203 4:17	
94:17	27th 11:12 80:17	116:9	
17-04057-CV-...	28 11:18		
1:5 3:5 5:15	<u>3</u>	<u>7</u>	
17th 11:10 70:5	3 10:12,13	7 4:16 11:17 116:8	
	30 32:23 47:17		